THE NEW MEXICO COURTS
1988 ANNUAL REPORT

STATE OF NEW MEXICO
JUDICIAL BRANCH

Robert L. Lovato
Director

Supreme Court of New Mexico
Administrative Office of the Courts

Supreme Court Building
Room 25
Santa Fe, New Mexico 87503
(505) 827-4800

January 17, 1989

THE HONORABLE CHIEF JUSTICE AND
JUSTICES OF THE SUPREME COURT OF
NEW MEXICO

DISTINGUISHED MEMBERS OF THE
NEW MEXICO LEGISLATURE

Pursuant to Section 34-9-3 NMSA 1978, the Administrative Office of the Courts is pleased to present the Annual Report of the New Mexico Judiciary for 1988. The Report is primarily concerned with the 76th, or 1987 - 88, fiscal year, but it also presents information, where appropriate, through the end of calendar 1988.

The Report summarizes, in narrative and tabular forms, the recent activities of the State's courts (both trial and appellate), other judicial agencies and the AOC. It also presents overviews of the New Mexico judiciary, in terms of both its financial situation and its programmatic activities.

In general, the judiciary last year continued to perform more effectively and efficiently than in previous years. Most of the State's courts reduced both their backlogs of pending cases and the average time for cases to be resolved. At the administrative level, improved personnel and financial control systems were implemented.

As for 1989, further improvements can be anticipated. Automation of the courts should move into broad-scale implementation, along with final phases of judicial personnel and financial control systems. The courts should thus be able to produce even more performance-related gains, especially in such areas as case management.

The New Mexico judiciary is appreciative of the continued generous support of the Legislature and the Governor, both in appropriations and statutes. It pledges to be worthy of that trust and to cooperate with these branches of government, in order to assure the equitable administration of justice to the State's citizens.

Respectfully submitted,

Robert L. Lovato

Robert L. Lovato, Director
Administrative Office of the Courts

TABLE OF CONTENTS

STATE JUDICIARY FINANCIAL SUMMARY. v

STATE JUDICIARY ACTIVITY SUMMARY viii

ADMINISTRATIVE OFFICE OF THE COURTS. 1

SUPREME COURT. 9

Board of Bar Examiners. 14

COURT OF APPEALS 15

DISTRICT COURTS. 29

MAGISTRATE COURTS. 43

BERNALILLO COUNTY METROPOLITAN COURT 53

OTHER JUDICIAL AGENCIES:

Supreme Court Law Library 57

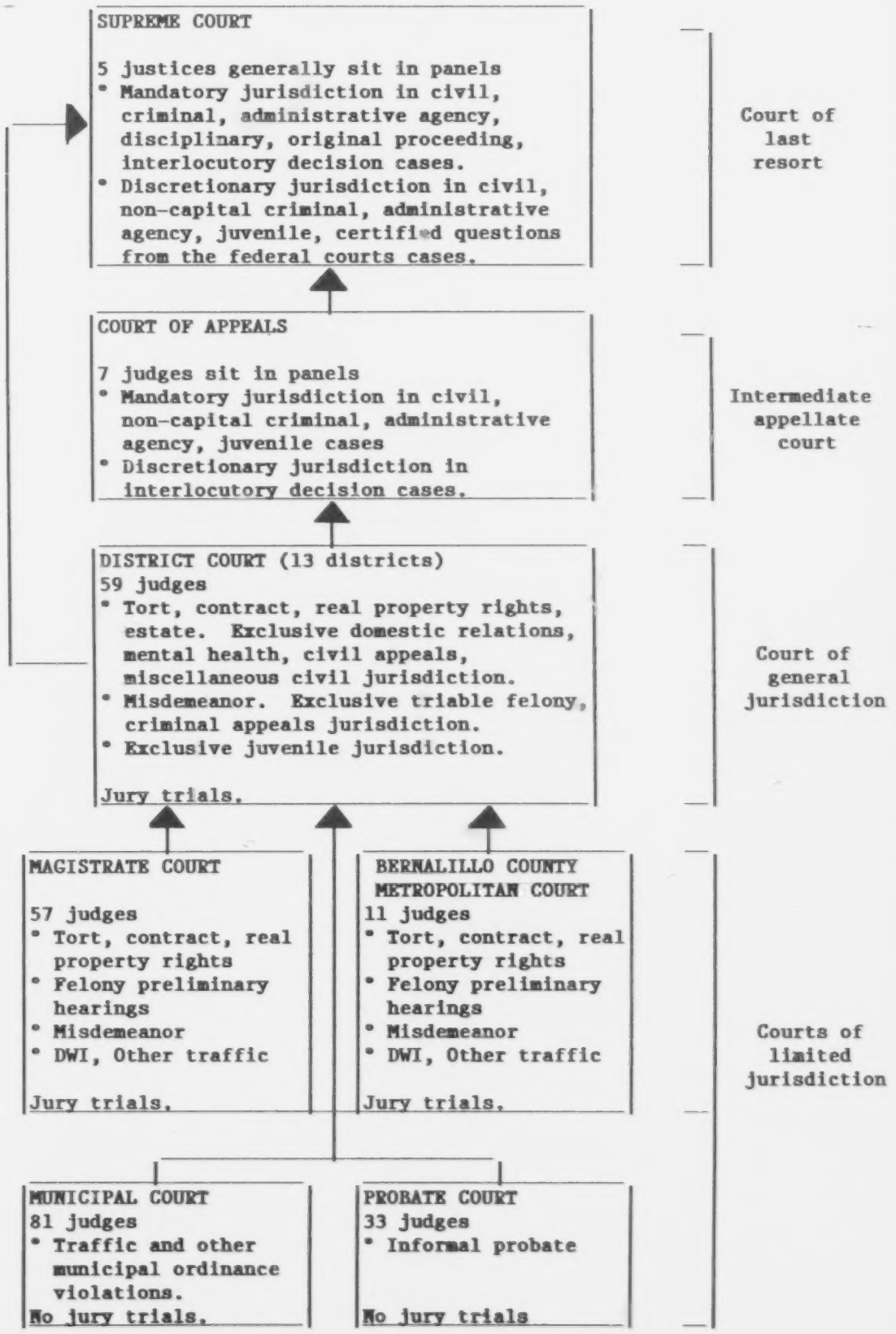
Supreme Court Building Commission 59

Judicial Standards Commission 59

Disciplinary Board of the Supreme Court 63

New Mexico Compilation Commission 64

NEW MEXICO COURT SYSTEM


SUPREME COURT
5 justices generally sit in panels
• Mandatory jurisdiction in civil, criminal, administrative agency, disciplinary, original proceeding, interlocutory decision cases.
• Discretionary jurisdiction in civil, non-capital criminal, administrative agency, juvenile, certified questions from the federal courts cases.
Court of last resort
COURT OF APPEALS
7 judges sit in panels
• Mandatory jurisdiction in civil, non-capital criminal, administrative agency, juvenile cases
• Discretionary jurisdiction in interlocutory decision cases.
Intermediate appellate court
DISTRICT COURT (13 districts)
59 judges
• Tort, contract, real property rights, estate. Exclusive domestic relations, mental health, civil appeals, miscellaneous civil jurisdiction.
• Misdemeanor. Exclusive triable felony, criminal appeals jurisdiction.
• Exclusive juvenile jurisdiction.
Jury trials.
Court of general jurisdiction
MAGISTRATE COURT
57 judges
• Tort, contract, real property rights
• Felony preliminary hearings
• Misdemeanor
• DWI, Other traffic
Jury trials.
BERNALILLO COUNTY METROPOLITAN COURT
11 judges
• Tort, contract, real property rights
• Felony preliminary hearings
• Misdemeanor
• DWI, Other traffic
Jury trials.
MUNICIPAL COURT
81 judges
• Traffic and other municipal ordinance violations.
No jury trials.
PROBATE COURT
33 judges
• Informal probate
No jury trials
Courts of limited jurisdiction

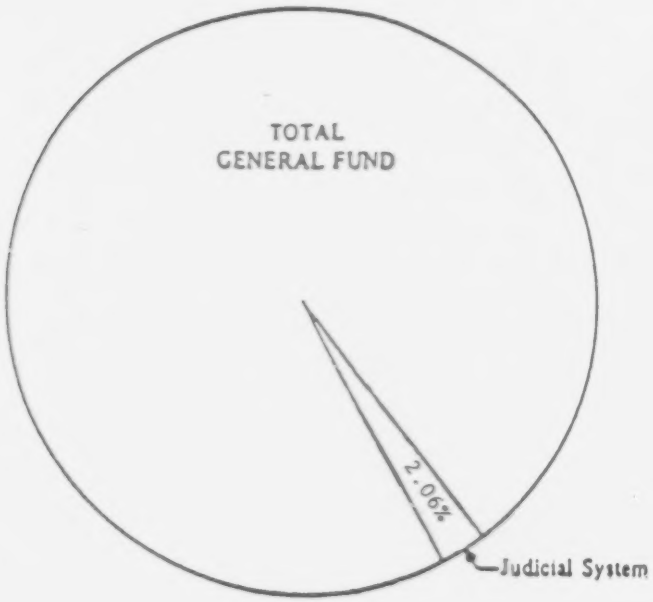
JUDICIAL SYSTEM APPROPRIATIONS
FISCAL YEAR 1988-89

TOTAL GENERAL FUND

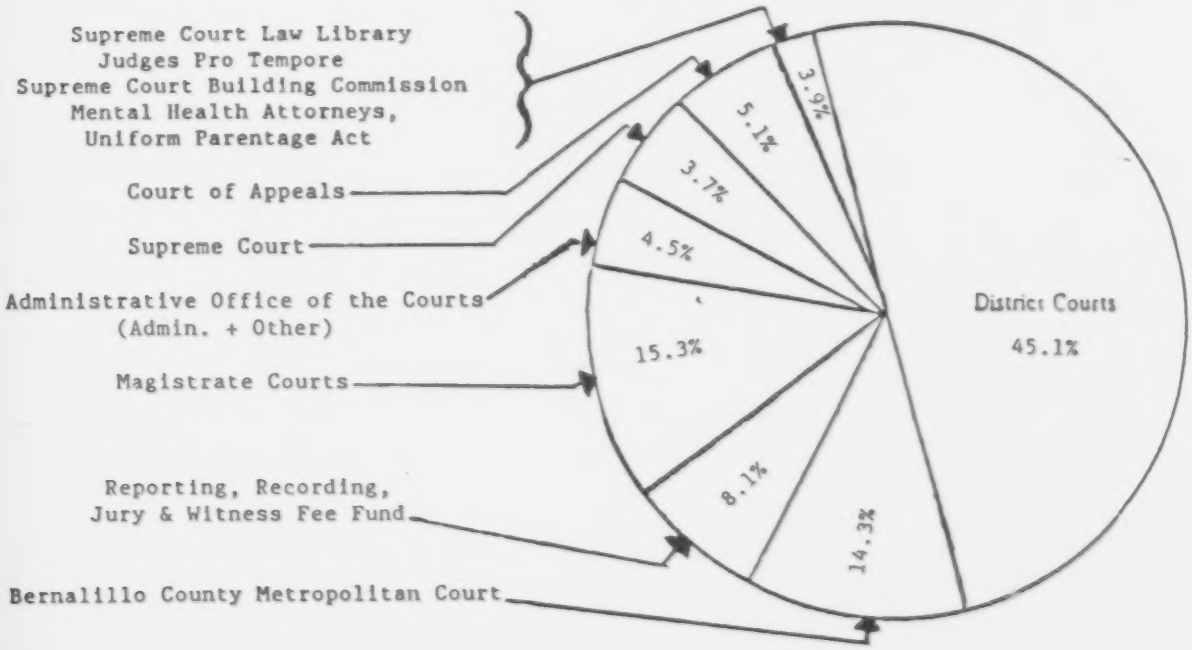
$ 1,576,512,000

JUDICIAL SYSTEM
APPROPRIATIONS*

$ 32,493,900



DISTRIBUTION OF JUDICIAL APPROPRIATIONS FISCAL YEAR 1988-89



* Excludes Juvenile Probation, Judicial Standards Commission and District Attorney offices.

NEW MEXICO JUDICIARY FINANCIAL SUMMARY
GENERAL FUND APPROPRIATIONS
76th, 77th and 78th Fiscal Years

Code Number	Agency	76th FY Actual	77th FY Budgeted	78th FY Requested*
205	Supreme Court Law Library	$ 345,400	$ 382,400	$ 510,100
213	Judges Pro Tempore	50,000	49,300	50,000
215	Court of Appeals	1,636,300	1,666,800	1,735,000
216	Supreme Court	1,202,700	1,192,200	1,234,200
218	Admin. Ofc. of the Courts			
	AOC Administration	951,600	1,145,300	1,384,300
	Magistrate Courts	4,571,800	4,986,300	5,243,500
	Other	237,700	328,200	438,400
	Total - AOC	5,761,100	6,459,800	7,066,200
	Compensation Package			1,142,100
219	Supreme Court Building Commission	341,300	359,400	378,200
221	Reprt., Recrd., Jury & Wit. Fee Fund	3,363,000	2,625,100	3,104,500
222	Mental Health Attorneys	110,100	172,400	172,400
223	Uniform Parentage	110,000	295,500	75,000
231	First Judicial District Court	1,087,300	1,273,600	1,379,100
232	Second Judicial District Court	4,859,700	5,244,300	5,617,100
233	Third Judicial District Court	723,100	794,300	837,800
234	Fourth Judicial District Court	450,900	479,700	493,300
235	Fifth Judicial District Court	1,529,500	1,661,500	2,087,900
236	Sixth Judicial District Court	558,900	601,500	635,600
237	Seventh Judicial District Court	493,000	508,000	564,900
238	Eighth Judicial District Court	494,800	519,800	543,200
239	Ninth Judicial District Court	674,100	708,900	736,300
240	Tenth Judicial District Court	288,600	300,600	311,100
241	Eleventh Judicial District Court	854,000	873,400	922,400
242	Twelfth Judicial District Court	599,200	637,200	649,700
243	Thirteenth Judicial District Court	1,057,000	1,043,200	1,092,100
	Subtotal - District Courts	13,670,100	14,646,000	15,870,500
244	Bernalillo County Metro. Court	4,175,100	4,645,000	4,962,000
	Total [excluding JPO]	$ 30,765,100	$ 32,493,900	$ 36,300,200
	Juvenile Probation Offices	3,673,100	4,355,100	-0-
	Total Judiciary	$ 34,438,200	$ 36,849,000	$ 36,300,200

Note: The juvenile probation program will no longer be a responsibility of the state's district courts as of July 1, 1989, according to the provisions of the Youth Authority Act. The judicial branch, thus, requests no appropriation for this function for the upcoming fiscal year. In order to provide appropriate comparisions, the body of this table excludes in the 76th and 77th fiscal year appropriations for the juvenile probation offices; they are shown in aggregate form, at the end of the table, only for historical purposes. The table also excludes district attorney offices and the Judicial Standards Commission.

* Supreme Court/AOC recommendation

NEW MEXICO JUDICIARY
GROWTH OF GENERAL FUND APPROPRIATIONS
76th, 77th and 78th Fiscal Years

Code Number	Agency	INCREASE 77th/76th	INCREASE 78th/77th
205	Supreme Court Law Library	10.7%	33.4%
213	Judges Pro Tempore	(1.4%)	1.4%
215	Court of Appeals	1.9%	4.1%
216	Supreme Court	(0.8%)	3.5%
218	Admin. Ofc. of the Courts		
	AOC Administration	20.4%	20.9%
	Magistrate Courts	9.1%	5.2%
	Other	38.1%	33.6%
	Total - AOC	12.1%	9.4%
	Compensation Package		N/A*
219	Supreme Court Building Commission	5.3%	5.2%
221	Reprt., Recrd., Jury & Wit. Fee Fund	(21.9%)	18.3%
222	Mental Health Attorneys	56.6%	0.00
223	Uniform Parentage	168.6%	(74.6%)
231	First Judicial District Court	17.1%	8.3%
232	Second Judicial District Court	7.9%	7.1%
233	Third Judicial District Court	9.8%	5.5%
234	Fourth Judicial District Court	6.4%	2.8%
235	Fifth Judicial District Court	8.6%	25.7%
236	Sixth Judicial District Court	7.6%	5.7%
237	Seventh Judicial District Court	3.0%	11.2%
238	Eighth Judicial District Court	5.1%	4.5%
239	Ninth Judicial District Court	5.2%	3.9%
240	Tenth Judicial District Court	4.2%	3.5%
241	Eleventh Judicial District Court	2.3%	5.6%
242	Twelfth Judicial District Court	6.3%	2.0%
243	Thirteenth Judicial District Court	(1.3%)	4.7%
	Subtotal - District Courts	7.1%	8.4%
244	Bernalillo County Metro. Court	11.3%	6.8%
	Total [excluding JPO]	5.6%	11.7%

Note: The table excludes district attorney offices and the Judicial Standards Commission.

* Not applicable.

NEW MEXICO JUDICIARY ACTIVITY SUMMARY
76th (1987-88) Fiscal Year

Supreme Court (See pages 9-14)

° Case filings declined by about 10% (mainly in petitions for certiorari); but . . .

° Cases closed by opinions or decisions increased by about 5% to a total of 220; as a result . . .

° The backlog of pending cases declined from 167 cases to 129 (as of June 30, 1988)--a 23% decrease. Over the past two fiscal years the backlog has fallen by almost 39%--from 210 to 129.

° The average time taken to dispose of cases decreased significantly--for example, the period from transcript to mandate declined from an average of 321 days (in the 75th fiscal year) to 261 days (in the 76th fiscal year). This 19% decrease covers cases for which opinions were prepared; other cases disposed of--mainly certiorari petitions--were typically handled in no more than 30 days.

° Data Summary

	76th FY	75th FY
Total pending cases, begin FY	166	210
New cases filed	+ 634	+ 702
Cases closed	- 671	- 745
Total pending cases, end FY	129	167

Court of Appeals (See pages 15-27)

° New cases filed during FY 1987-88 increased by 51, or almost 8%, to a total of 712. Almost 40% of these cases were free process appeals . . .

° Dispositions almost kept pace with filings, but amounted to 3% less for a total of 690 cases. Opinions were filed in 566 cases, with the remainder disposed of by orders of dismissal or transfers to the Supreme Court; therefore . . .

° The backlog of pending cases rose from 381 (as of June 30, 1987) to 414 (as of June 30, 1988).

° The average time taken to dispose of cases (those which resulted in the issuance of opinions) actually decreased--by 14% for high-priority cases and by 35% for low-priority cases. Overall, the average time to dispose of these cases, as measured from notice of appeal to issuance of opinion, was 234 days. The improvement, although real, is exaggerated because of the court's emphasis in the prior fiscal year on disposing of the oldest cases still then pending.

° Data Summary

	76th FY	75th FY
Total pending cases, begin FY	381	570
New cases filed	+ 712	+ 661
Cases closed	- 690	- 853
Adjustment (technical)	+ 13	+ 3
Total pending cases, end FY	414	381

District Courts (See pages 29-42)

° Total case filings (the sum of new filings and reopened cases) rose marginally--by about 0.5% over the prior fiscal year's total. The number of new filings decreased by almost 3%, but was offset by a 16% rise in reopened cases.

° The number of cases closed increased substantially--by about 8%--primarily in the 1st, 2nd and 7th judicial districts; these courts not only made strong efforts to process active cases more efficiently but also increased their efforts to dismiss inactive cases. For the first time in this decade, the state's district courts closed more cases last fiscal year than were opened (or reopened). As a result . . .

° The backlog of pending cases was reduced by about 3.5% (comparing the June 30, 1988 level with that of June 30, 1987), or by about 1,700 cases. By comparison, the backlog rose by about 17,500 cases from mid-1980 to mid-1987. This trend reversal demonstrates an improvement in the effectiveness of case processing in the state's district courts.

° Data Summary

	76th FY	75th FY
Total pending cases, begin FY	50,204	46,974
Cases filed (including reopened cases)	69,461	69,167
Cases closed	71,342	66,057
Total pending cases, end FY	48,323	50,084

Magistrate Courts (See pages 43-52)

° Total filings declined by almost 11% (between the 75th and 76th fiscal years). All of the five major categories of cases experienced decreases, with the largest reductions registered in misdemeanors (-22%) and civil cases (-17%), while filings of traffic cases were off by only about 2%.

° Total case dispositions decreased by about 13%. As with filings, the declines were largest for civil and misdemeanor cases (about 25% for each) and smallest for traffic and felony cases (off 4% and up 2%, respectively.)

° Data Summary

	76th FY	75th FY
Filings	104,600	117,300
Dispositions	87,600	101,000

Bernalillo County Metropolitan Court (See pages 53-55)

° Total case filings in the 76th fiscal year decreased by one-fourth. The decline is primarily attributable to the fact that the primary responsibility for handling parking violations was shifted from the Metro Court to the City of Albuquerque; this change in jurisdiction accounted for five-sixths of the total decrease in case filings. If parking cases are excluded, filings fell by about 19,000 cases, or by about 7%.

° Total case dispositions in the 76th fiscal year decreased by about 40% from the prior year's level, but if parking cases are set aside, dispositions actually increased by about 9,000 cases, or by about 6%.

° Data Summary

	Total (A)	Parking (B)	Adjusted Total (A) -(B)
New cases filed			
76th FY	328,300	86,900	241,400
75th FY	438,700	178,500	260,200
Cases closed			
76th FY	171,400	9,400	162,000
75th FY	287,000	133,800	153,200

ADMINISTRATIVE OFFICE OF THE COURTS

Roster

Robert L. Lovato, Director
David Bloom, Administrative Assistant to the Chief Justice
Steve H. Urist, Deputy Director
Bert Allen, Staff Attorney
Michelle Trujillo, Secretary

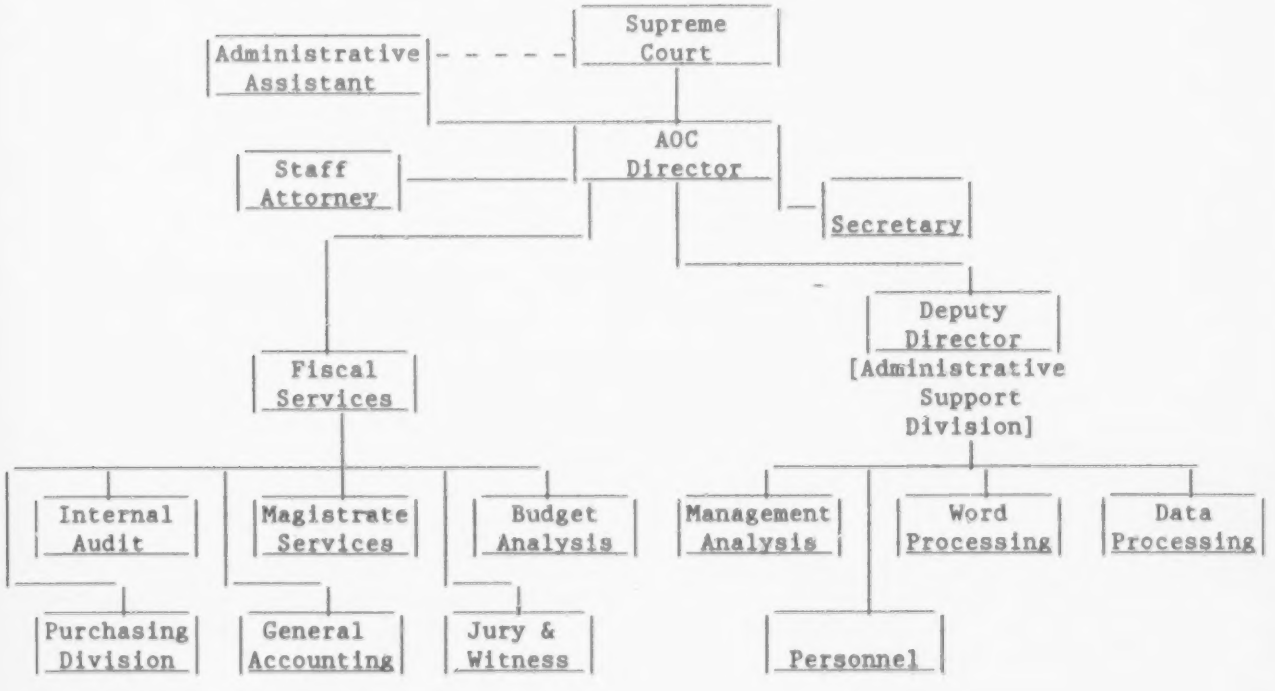
Administrative Support Division

Donna Gary, Management Analyst
Cheryl Street, Personnel Administrator
Jeff Varela, Personnel Analyst
Walter Kuencer, Data Processing Manager
Jim Rodriguez, Systems Analyst
Sharon Wolfe, Word Processor
Jonelle Maison, Management Analyst
Priscilla Duran, Research Analyst
Laura Carrales, Personnel Analyst
Bonnie Poteet, Systems Analyst
Ed Dahl, Systems Analyst
Kathy Romero, Word Processor

Fiscal Services Division

Fred Muniz, Director, Fiscal Services
Enrique Medina, Internal Auditor
Arturo Montoya, Field Services Supervisor
Marcos Arguello, Field Services
Yvonne Anaya, Jury & Witness
Alfred Lujan, Purchasing Agent
Ray Chavez, Budget Analyst
Joe Luna, Internal Auditor
Jaymie Sullivan, Field Services
Michael Aragon, Field Services
Marco Pinchiera, Jury & Witness
Leo Pacheco, Storekeeper

ORGANIZATION CHART



ADMINISTRATIVE OFFICE OF THE COURTS

Functions and Responsibilities

The Administrative Office of the Courts (AOC), under the supervision of the Supreme Court, is responsible for planning, organizing and supervising administrative programs and policies at all levels of the judicial branch. The specific statutory responsibilities are contained in Section 34-9-3 NMSA 1978. That section provides that the director shall:

A. supervise all matters relating to administration of the courts;

B. examine fiscal matters and the state of the dockets of the courts, secure information as to the courts' need of assistance, prepare and transmit to the Supreme Court statistical data and reports as to the business of the courts;

C. submit to the Supreme Court and to the legislature by January 30 of each year a report of the activities of the administrative office and of the state of business of the courts, including the statistical data submitted to the Supreme Court pursuant to Subsection B of this section, and the director's recommendations. This report is a public document;

D. deal with the problems of finance of those courts supported by legislative appropriation and be concerned with adequate but economical financing of each of these courts and the equitable distribution of available funds among them. For this purpose, the director shall receive, adjust and approve proposed budgets submitted by these courts for the fifty-eighth and subsequent fiscal years prior to submission of the budgets to the state budget division of the department of finance and administration for inclusion in the executive budget. The district courts of all counties within a judicial district shall be included within a single budget. Budget proposals shall be submitted by the courts at the time and in the form prescribed by the director; and

E. perform other duties in aid of the administration of justice and the administration and dispatch of the business of the courts as directed by the Supreme Court. The courts shall comply with all requests of the director for information.

In carrying out its statutory mandate, AOC administers the operating and capital budgets of the magistrate courts; the reporting, recording, jury and witness fund; the mental health attorneys fund; the judges pro tempore fund; and continuing judicial education appropriations. As central staff for the state's unified court system, AOC provides judicial branch personnel administration; management analysis services for all courts; systems for budget preparation, review and oversight, accounting and audit; central clearinghouse for statistical and other reports; program design and monitoring; administrative and data systems development and maintenance; and internal audit. AOC also provides operations supervision for the Supreme Court Building Commission.

The AOC has two formal divisions: fiscal services and administrative support. In addition, the staff attorney reports directly to the AOC director, Mr. Robert Lovato.

The **Administrative Support Division**, under the direction of the deputy director, is responsible for management analysis, magistrate services coordination, the judicial personnel office and data systems analysis and development. Central staff support functions such as secretarial, word processing, clerical, reception and report and contract services are also part of this division. Duties of this division include analyzing and developing administrative policies and procedures for the courts and AOC; conducting special analytical studies; publishing and updating court and AOC manuals, forms and guidelines; compiling and analyzing court statistics; analyzing and developing court data systems; administering the judicial personnel system and plan; conducting personnel studies; training judges, clerks and other support personnel; negotiating magistrate court building and services leases; and providing other administrative support or management services as required or requested by the Supreme Court or other state courts.

The **Fiscal Services Division** includes financial control and magistrate field services functions. The division is responsible for magistrate accounting, data collection, payroll, inventory and purchasing; budget review and assistance for all judicial agencies; vouchering and administration of special funds, including jury and witness, mental health attorneys and judges pro tempore funds; vouchering travel requests for judges and judicial employees; managing AOC budgets; purchasing and inventory for agencies housed within the Supreme Court building; and financial audits of all the state courts. The **Internal Auditors**, who report to the AOC director through the Fiscal Services Division, perform both financial and management compliance audits to ensure that internal controls are adequate and the courts are following the proper procedures in the administration of justice.

The **Staff Attorney** serves as legal counsel for AOC and assists the courts with questions of law.

The **Administrative Assistant to the Chief Justice** has been assigned to AOC to assist with special projects of the judiciary, such as the current trial delay and weighted caseload study, and to serve as AOC's statistician.

Management Projects and Continuing Programs

During 1988, the Administrative Office of the Courts made significant progress in many programmatic areas. The most important of these are summarized in this section: (1) design of a statewide district court automation system; (2) design and implementation of an automated court accounting system; (3) implementation of a new judicial personnel system; and (4) development of improved court management processes and programs. The summaries also discuss further developments and accomplishments anticipated for 1989.

Court Automation

The New Mexico Judiciary is currently in the process of developing a statewide automated system to address district court functional and management information needs. A modern automated court information system that supports data and word processing in a networked environment, and provides for links allowing controlled access for other state agencies and public users to court information would clearly facilitate the orderly administration of the court system.

A Request for Proposals from the Administrative Office of the Courts has been released seeking design solutions which include hardware, applications software, implementation, training, maintenance, and costs. This RFP is the product of a process which in this last year began with a review of existing court automation systems, a decision to halt further expansion of the existing systems, an investigation for alternative solutions, a detailed needs assessment of case management procedures, and the release and analysis of a Request for Information to vendors of case management software products.

The scope of this request for proposals is primarily District Court application systems for case management (a similar but abbreviated procurement process for automation of the magistrate courts will follow). The specifications defined address the operational and informational needs of district courts. Application systems specifications include: docketing/ register of case history, indexing of cases, case scheduling/calendar preparation, notice preparation, case related fiscal accounting, and management and statistical reporting. A desirable solution is sought to include the following features: database flexibility, modular design & expandability, user control, menus & function keys, on-line help, rapid data entry, mass file maintenance, custom text & memo feature, inquiry capability, ad hoc reporting, output flexibility, backup & archiving, custom security, and audit controls.

The automated system is anticipated to meet the needs of all of New Mexico's district courts. These courts range in size from a 19-judge court in Albuquerque to 10 single-judge court locations. Court procedures vary to meet the requirements of each site. Variations in the use of case type designators, judge selection procedures and court scheduling are just a few examples of the need for a flexible software application. Standardization is desirable and will be implemented wherever possible, yet unique situations must be accommodated. Management and statistical reporting requirements will be based on the need for flexibility, ad hoc reporting capabilities and an event-based design approach. The use of tables and externally defined data is encouraged to facilitate maintenance and modifications to keep pace with the evolution of court roles, procedures and statute changes.

This RFP was issued by the Administrative Office of the Courts on December 15, 1988. Vendor proposals will be received by January 11, 1989. The evaluation of responsive proposals will be conducted by an evaluation committee divided into three subcommittees, each of which will focus on a separate area for purposes of the evaluation - executive issues, user issues, and technical issues. The evaluation committee will determine which proposal is most advantageous to the state, taking into consideration the evaluation criteria set forth in the RFP. The evaluation and negotiation processes will determine the finalist vendor, which will be recommended to the Supreme Court. At this time a start-up site is planned in order to allow modifications specific to New Mexico to be incorporated and tested prior to eventual statewide implementation.

Other automation projects in which the judiciary is involved include: automation of fiscal services in the courts and the AOC, automation of human resources information systems, and upgrading of Court of Appeals office automation.

During 1988, the AOC automated the following accounting functions using personal computer application software: General Ledger system (general journal, daily transaction summaries and other subsidiary ledgers), Supporting General Ledger (agency fund, magistrate bank account activity), Agency Fund Cash Receipts and Disbursement Activity through accounts with the State Treasurer, Magistrate Bond Summary Activity, and Jury and Witness Accounting.

Analysis has been completed to automate the judicial personnel system. It is anticipated that a micro-computer based human resources information system will be installed at the AOC during the next year. Automation will include application software from Integral Systems, Inc. with modifications by Hay Systems Inc. to meet the specific personnel needs of the AOC, the Judiciary, and incorporating the Hay based personnel system.

The Court of Appeals and the Administrative Office of the Courts have jointly upgraded the AOC Wang VS100 computer to accommodate an additional 24 workstations and 6 printers to replace the obsolete Xerox 860 word processors used by the Court of Appeals judges' staffs. An additional benefit of this replacement effort will be the uniting of the Prehearing division attorneys and the Court of Appeals staff in a shared word processing environment.

Court Accounting System

In 1988 the AOC undertook the task of designing, implementing and documenting a fully automated double-entry accounting system which incorporates a complete general ledger. This ledger is the document that places all the journal entries (the recording of each financial transaction) into appropriate accounts. The general ledger, after a trial balance of the accounts, is used to prepare financial statements. The implementation for the new accounting system began in August 1988 and was 90 percent completed by the end of December.

This fully automated system was facilitated through the hiring of a certified public accountant contractor as a consultant and with discussions with DFA. The automated system will account for the reporting, recording, jury and witness fee fund, the general fund, the agency fund and funds for long-term

obligations and will be consistent with generally accepted accounting principles, governmental accounting, auditing and financial reporting standards and the Department of Finance and Administration's (DFA) Manual of Central Accounting for State Agencies. The system will eliminate the previous costly manual reconciliation process by obtaining DFA financial data in machine-readable form. In addition, AOC is transmitting its payroll data to DFA by diskette, obviating duplicate data entry.

The automated general ledger permits AOC to generate management reports for the judiciary and the legislature. The system also automatically provides financial statements such as balance sheets, revenue and expenditure reports, budget reports and the changes in budget, encumbrance and expenditure for each account. By means of these reports, AOC's capabilities for timely reconciliation and early identification of potential problems are materially enhanced.

AOC is developing an accounting procedures manual which will document in detail how each document is prepared, entered into the automated system and processed through AOC and DFA. This procedures manual will dovetail with the new DFA's Internal Policy and Procedure Manual. It will also be used as a prototype for accounting manuals for district courts, magistrate courts and the Bernalillo County Metropolitan Court.

Once AOC has completed the implementation and documentation of this accounting system, the system will be introduced throughout the judiciary. The system has already been installed in the Bernalillo county metropolitan court. With the implementation of this automated accounting system, the judiciary will become the first branch of New Mexico state government to have a completely uniform accounting system. Its primary benefits will include the ability to quickly adapt to any new state or federal accounting requirements and a less expensive statewide audit.

Judicial Personnel System

During the 77th fiscal year, the judiciary was appropriated approximately two million dollars to implement a new compensation/classification system based on the "Hay Guide Chart Profile Method." These funds allowed the judiciary to bring all classified employees up to the minimum of their applicable salary range. In addition, classified employees were given increases of up to 8 percent based on years of service and placement within their respective salary range. Unclassified employees, who serve at the pleasure of their appointing authority, were brought up to 98 percent of the applicable salary range.

Another major accomplishment within the area of personnel management was the implementation of the judicial performance evaluation system that was developed by the Hay Group in accordance with guidelines provided by the legislature. The new evaluation system is job related and based on specific expectations and measures for each position. All ratings require employee input. In addition, the AOC has written a manual on how to use the new performance evaluation tool. In May 1988, Keye Productivity gave a two-day seminar on hiring and performance appraisal to judicial supervisors. During the month of September, the AOC staff held workshops in a number of districts to train supervisors in the new system.

In order to fairly administer the new compensation and evaluation system, the Supreme Court appointed a committee, staffed by the AOC, to revise and update the judicial personnel rules and regulations. The adopted rules and regulations provide for an appropriate and professional personnel administration system.

This year the primary goal will be to bring all fully competent employees closer to midpoint or beyond of their respective salary range, according to merit. Since the vast majority of classified employees are at or near minimum, this phase will take time. The appropriation request embodied in the Supreme Court recommendation will, if funded, assist the judiciary in this endeavor.

All judicial supervisors and managers should feel proud of their success in adopting and maintaining the new systems. Without the positive and continuing support of judges, managers and employees, this progress would not have been possible.

Court Management Improvements

The state's courts made significant progress in 1988 toward the objective of improving the effectiveness and efficiency of their operations. The Supreme Court, led by the chief justice, played a key leadership role in continuously emphasizing the importance it placed on achieving this goal, not only to enhance the administration of justice but also to minimize the diversion to the courts of scarce state financial resources. Where appropriate, the Court promulgated management-related rules of procedure, such as those that enhanced the role of trial court presiding judges and clarified the status of the Administrative Office of the Courts. It also engaged in a continuing dialogue with both bench and bar in connection with the possible issuance of rules pertaining to time-related aspects of court proceedings.

The AOC provided substantial staff and other support in this management-improvement effort. It also closely coordinated its development of state court automation with these management studies; for example, the request for proposals from possible automation suppliers requires that any new system provide a wide range of time-related case-processing information, a capability which has not previously existed in the state's courts and which will enhance their ability to cope with time standards or similar objectives. AOC's broad-based support for court management improvements will continue and expand in 1989.

The major management focus of attention by the courts during 1988 concerned the time, which should in most cases elapse, between the initiation of a case within a court and the court's eventual disposition of it. At the chief justice's request, a committee of presiding judges reviewed various options and recommended that the Supreme Court should promulgate time standards for civil cases in the state's district courts. The Presiding Judges' Council, in July, unanimously endorsed this proposal, as did the District Court Rules of Civil Procedure Committee later in the year. This latter committee also proposed modifications in trial procedures in order to facilitate compliance with the standards. After further review by all parties, the Supreme Court is expected to address this subject definitively in the relatively near future.

Responding to the chief justice's request, both the judges' council and civil procedure committee recommended changes in related rules pertaining to such subjects as dismissal of cases, pre-trial conferences and the filing of motions. The overall purpose of these proposals is to assure that most civil cases are disposed of by the courts in a timely manner. They recognize that the current absence of any such time standards in the area of civil cases inhibits the overall effectiveness of the state's trial courts.

The state's appellate courts also addressed the subject of the timeliness if dispositions of cases within their purview. The Supreme Court in November of 1988 established an Appellate Time Standard Rule Committee, with representation from the Supreme Court, Court of Appeals and private bar. The committee was requested ". . . draft an appellate time standard rule for implementation in New Mexico." The committee is reviewing various options and should complete its work in the near future.

While these procedural changes were under consideration, many of the state's courts, recognizing the desirability of management improvements, instituted a wide variety of substantive changes in their court operations during 1988. These efforts are discussed throughout this Annual Report, along with data demonstrating measurable improvements in the performance of the state's courts. In general, 1988 was the first year during the current decade that the backlog of pending cases generally declined (especially in the district courts), and the average time taken to dispose of cases also decreased (most notably in the appellate courts). Further improvements in court operations, with consequent gains in the administration of justice, are anticipated in 1989 as consideration of procedural changes affecting trial and appellate courts concludes and standardized rules are possibly issued.

SUPREME COURT

During the 76th fiscal year, the Supreme Court was comprised of Chief Justice Tony Scarborough, Senior Justice Dan Sosa, Jr., Justice Harry E. Stowers, Jr., Justice Mary C. Walters and Justice Richard E. Ransom.

The Supreme Court approved 103 rules during the 76th fiscal year as well as approving the Uniform Jury Instructions for the 1986 Securities Act.

The following is a recapitulation of the docket activities of the Supreme Court for the period July 1, 1987 through June 30, 1988:

REPORT OF THE CLERK

On a monthly basis, new cases on the regular docket of the Court were as follows, with figures for the 75th, 74th, 73rd and 72nd fiscal years provided for comparison:

	76th	75th	74th	73rd	72nd
July	51	51	45	48	51
August	47	49	37	39	45
September	47	55	46	23	48
October	52	63	35	38	47
November	58	52	38	35	37
December	66	63	37	36	33
January	35	63	53	33	40
February	46	64	29	30	28
March	57	61	41	36	36
April	48	52	38	52	27
May	63	60	57	41	57
June	64	69	59	47	47
Totals	634	702	515	458	496

The small decline in the number of new cases docketed during the 76th fiscal year was mostly due to a decrease in the number of petitions for writ of certiorari. The total number of these petitions, including Rule 12-501 petitions, declined by 54 from the prior fiscal year's level, thus accounting for four-fifths of the total decrease of 68 in new cases docketed. The number of cases docketed is still substantially greater than the 74th fiscal year.

The following table shows the various categories of cases filed on the regular docket of the Court, with figures for the prior five fiscal years for comparison:

	76th	75th	74th	73rd	72nd
Civil	212	238	195	183	181
Criminal	14	5	5	8	16
Certiorari	248	296	200	153	171
Mandamus	16	22	19	13	21
Prohibition	45	53	46	40	60
Habeas Corpus	1	0	4	6	4
Superintending Control	22	12	20	29	13
Disciplinary Proceedings	18	12	16	12	10
Judicial Standards Commission	3	4	1	1	2
Removal from Corp. Comsn.	5	0	2	1	7
Appeal Public Serv. Comsn.	1	1	0	4	5
Certification from U.S. District Court	4	5	2	2	3
Rule 12-603 Election Challenges & Misc.	2	3	5	6	3
Quo Warranto	0	2	0	0	0
Rule 12-501 Petition for Certiorari	43	49	0	0	0
Total	634	702	515	458	496

Of the 212 civil cases, 10 were applications for interlocutory appeals.

The Supreme Court handed down a total of 220 Opinions/Decisions during the 76th fiscal year, closing 222 cases.

CHIEF JUSTICE TONY SCARBOROUGH		**33 Opinions/Decisions**
Affirmed	18	
Reversed	3	
Peremptory Writ	1	3 on certiorari
w/drew Peremptory Writ	1	
Remanded	2	
Affirmed Pt, Reversed Pt	3	
Affirmed Pt & Remanded	1	
Reversed Court of Appeals	3	
Certification U.S. Dist. Ct.	1	
SENIOR JUSTICE DAN SOSA, JR.		**55 Opinions/Decisions**
Affirmed	35	
Reversed	7	
Affirmed Pt, Reversed Pt.	4	8 on certiorari
Dismissed Appeal	1	1 on rehearing (w/drew former opinion)
Reversed Court of Appeals	8	

JUSTICE HARRY E. STOWERS, JR.		**47 Opinions/Decisions**
Affirmed	30	
Reversed	12	
Affirmed Pt, Reversed Pt.	3	
Remanded	2	
JUSTICE MARY C. WALTERS		**39 Opinions/Decisions**
Affirmed	23	
Reversed	6	
Reinstated former Opinion on Superintending Control	1	4 on certiorari
Made Writ Permanent	1	2 certs, U.S. Dist. Crt.
Reversed Court of Appeals	4	
Certification U.S. Dist. Ct.	2	
Remanded	1	
Affirmed Pt., Reversed Pt.	1	
JUSTICE RICHARD E. RANSOM		**46 Opinions/Decisions**
Affirmed	24	
Reversed	6	
Remanded	3	Closed 49 cases
Affirmed Pt, Reversed Pt.	3	8 on certiorari
Quashed Writ Prohibition	1	
Denied Petition for Prohibition	1	
Affirmed Court of Appeals	2	
Reversed Court of Appeals	6	
RUDY APODACA COURT OF APPEALS JUDGE	1	**Opinion/Decision**
Reversed	1	
PER CURIAM - DISCIPLINARY PROCEEDINGS	**8**	**Opinions/Decisions**
Reinstated Attorney	1	
Suspended Attorneys	6	
Denied Petition for Reinstatement	1	

Supreme Court Docket Report

Pending Cases July 1, 1987:		
At issue - not set for oral argument	9	
Not at issue	77	
Previously submitted - under advisement	80	
Total Pending Cases on July 1, 1987:		**166**
New cases filed Regular Docket		634
Total cases 75th fiscal year		**800**

Cases Disposed

Written Opinions/Decisions		220 (closing 222 cases)
Certiorari:		248
Denied	206	
Granted	40 (20 quashed)	
Dismissed	1	
Withdrawn	1	

There were 16 petitions pending action by the Court at the end of the 74th fiscal year.

Denied	14
Granted	2 (1 quashed)

There were 9 petitions pending action by the Court at the end of the 75th fiscal year.

Prohibition:		44	
Denied	26		
Made permanent	1		
Peremptory	10		
Dismissed	4		
Writ quashed	1		
Remanded	1		
Petition withdrawn	1		
(Petition pending action by Court - 1)			
Mandamus:		15	
Denied	12		
Peremptory Writ	2		
Dismissed	1		
Superintending Control:		22	
Denied	12		
Peremptory Writ	9		
Remanded to Ct. of Appeals	1		
Original Proceedings:		2	
Denied	1		
Granted	1		
Habeas Corpus:		1	
Denied	1		
Cases Dismissed:		57	
Rule 12-501 Petitions for Cert		41	
Denied	40		
Granted	1		
Transferred to Ct. of Appeals		8	
Interlocutory Appeals		8	
Denied (2 pending)	2		
Standards Commission		3	
Total Cases Disposed			671

Recap of Pending Cases as June 30, 1988:

At issue - not set for submission	5
Not at issue	71
Previously submitted - under advisement	53
Total	129

The average elapsed time (in days) for direct appeals from the district courts which were closed during the 76th fiscal year the cases closed by written opinion or decision was as follows:

	76th	75th	74th	73rd	72nd
From Notice of Appeal to Transcript	86.55	94.1	85.0	86.7	73.1
From Transcript to Issue	80.71	86.6	83.0	85.1	86.3
From Issue to Submission	57.1	66.3	74.0	63.7	76.4
From Submission to Opinion/Decision	113.95	202.5	148.0	155.3	110.0
From Issue to Opinion/Decision	156.67	215.9	227.0	224.5	130.7
From Transcript to Mandate	261.15	320.9	329.0	329.7	209.8

The above table does not include opinions or decisions issued for certiorari from the Court of Appeals, direct appeals from administrative agencies, certification from the federal district court, original proceedings, disciplinary matters and miscellaneous matters. These cases have not been included because of the differences in rules of procedure governing the filing and briefing schedules.

There were six cases on the regular docket of the Supreme Court that were delayed because of reassignment due to the election of two new justices on the bench. This delay is reflected in the average number of days it takes from "At Issue to Opinion/Decision."

The Supreme Court maintains a Miscellaneous Docket in order to track all matters that are not filed on the regular docket of the Court. There were 35 matters filed on this docket.

The Rules of Criminal Procedure require the Supreme Court to entertain any request for extensions of time for bringing a criminal case to trial within six months from arrest or indictment. The Children's Court Rules of Procedure also provide procedures for obtaining extensions from the Supreme Court on matters involving adjudicatory hearings. The Metropolitan Court Rules have a provision for obtaining extensions in matters involving appeals from that court to the district court. The Supreme Court maintains dockets and files for each of these categories and orders are entered on all petitions. There were 563 petitions for extension pursuant to Rule 5-604 handled during the 76th fiscal year; 62 petitions pursuant to Rule 10-308; 71 petitions pursuant to Rule 10-226; 14 pursuant to Rules 6-703 and 7-703.

BOARD OF BAR EXAMINERS

The Supreme Court promulgates and adopts rules governing admission to the Bar of New Mexico. The Board of Bar Examiners is composed of nine lawyers, appointed by the Supreme Court, who are charged with the administration of the bar examination and certifying to the Court the good character and fitness of the applicants to be admitted. The bar examination is administered in February and July of each year. The following are the results of the February and July 1988 bar examinations:

February 1988 Test Results	July 1988 Test Results
118 Took Exam	194 Took Exam
95 Passed	162 Passed
23 Failed	32 Failed
87 First Timers	170 First Timers
80 First Times Passed	150 First Timers Passed
7 First Timers Failed	20 First Tiers Failed
31 Repeaters	24 Repeaters
15 Repeaters Passed	12 Repeaters Passed
16 Repeaters Failed	12 Repeaters Failed
10 UNM First Timers	81 UNM First Timers
8 UNM First Timers Passed	72 UNM First Timers Passed
2 UNM First Timers Failed	7 UNM First Timers Failed
18 UNM Repeaters	15 UNM Repeaters
10 UNM Repeaters Passed	10 UNM Repeaters Passed
8 UNM Repeaters Failed	5 UNM Repeaters Failed
80% Overall Passed	83% Overall Passed
80% UNM First Timers Passed	88% UNM First Timers Passed
91% First Timers Passed Total	88% First Timers Passed Total
48% Repeaters Passed	50% Repeaters Passed
55% UNM Repeaters Passed	66% UNM Repeaters Passed

COURT OF APPEALS

During the 76th Fiscal Year, the Court of Appeals was composed of:

Thomas A. Donnelly.....Chief Judge
William W. Bivins.....Judge
A. Joseph Alarid.....Judge
Pamela B. Minzner.....Judge
Lorenzo F. Garcia.....Judge
Harvey Fruman.....Judge
Rudy S. Apodaca.....Judge

The membership of the Court consists of seven judges. Each judge has a secretary and a law clerk. By law, the judges act in panels of three on all appellate decisions. Agreement of two judges is required on all opinions. Motions may be acted on by one judge unless the motion goes to the merits of the case, in which case it is decided by a three-judge panel. In addition, the Court has a permanent staff of attorneys - the Prehearing Division consists of 13 attorneys and 1 secretary. The Clerk's Office has a staff of 5 - an attorney/chief clerk, a financial specialist/deputy clerk, and 3 court clerks.

The goal of the Court is to dispose of all appeals as fairly and as expeditiously as possible. The American Bar Association has recently promulgated standards on appellate court delay. Those standards recommend that appellate cases be decided within 280 days from the filing of the notice of appeal. At the Court of Appeals, we believe that we should decide interlocutory appeals within five months, criminal appeals within six months, and general civil appeals within ten months. At the present time, the Court is not meeting these standards in the general civil area. The Court has not met the standards since 1983. In that year, the Legislature passed NMSA 1978, Section 34-5-8. That legislation allows the Supreme Court to reserve to itself certain categories of cases and provides that the Court of Appeals will exercise appellate jurisdiction in all other cases. The Supreme Court specifically reserved to itself contract cases (approximately 220 cases per year), in addition to its caseload as provided by constitution or law. The Court of Appeals presently has an annual appellate caseload of over 700 cases. The Court currently has a backlog of cases which increased during the 76th Fiscal Year. The Court expects the increase in the backlog to continue due to the fact that the previous increase in dispositions (FY 75) was largely due to nonrecurring factors, e.g., the advisory committee project and the settlement conference project, and also because two new judges will be joining the Court during the 77th Fiscal Year.

The Court's open cases increased from 381 at the end of the 75th Fiscal Year to 414 at the end of the 76th Fiscal Year.

I. Jurisdiction

The Court of Appeals is the intermediate appellate court between district courts, certain administrative agencies and the New Mexico Supreme Court. N.M. Const. art. VI, § § 28, 29. The appellate jurisdiction of the Court of Appeals is coextensive with the state. As a practical matter, the Court of Appeals reviews appeals in all cases, either administrative or judicial, except judicial cases involving contract claims, criminal cases involving sentences of death or life imprisonment, administrative appeals from the

Public Service Commission, removals from the State Corporation Commission, and cases involving writs of habeas corpus.

II. Appeals Filed

During the 76th Fiscal Year, 712 new cases were filed. By comparison, 661 new cases were filed in the 75th Fiscal Year, and 517 in the 67th Fiscal Year.

The Court of Appeals operated under procedural rules adopted by the Supreme Court. Appeals from orders or judgments entered prior to January 1, 1987, proceeded under either the Rules of Appellate Procedure for Civil Cases (NMSA 1978, Civ.App.R.) or the Rules of Appellate Procedure for Criminal, Children's Court, Domestic Relations Matters and Worker's Compensation Cases (NMSA 1978, Crim., Child.Ct., Dom.Rel. & W/C App.R.). Pursuant to an order of the Supreme Court dated September 16, 1986, all appeals from orders or judgments entered on or after January 1, 1987, proceeded under the Rules of Appellate Procedure (SCRA 1986, 12-101 through 607). The Court's average filings are approximately 60 per month. As expected, the decrease in new cases filed in the previous fiscal year was due to the adoption of the SCRA and the new Worker's Compensation Law. New case filings in the 76th Fiscal Year rose again to the levels of filings in the 73rd and 74th Fiscal Years.

Of the 712 new cases filed during the 76th Fiscal Year, 7 were transferred to the Court of Appeals from the Supreme Court. The Court places cases in five priority categories. A breakdown of new cases filed by category is as follows:

Category:			
	1(a)(i)	Interlocutory Appeals, Criminal	17
	1(a)(ii)	Interlocutory Appeals, Civil	47
	1(b)	Children's Court	33
	1(c)	Mental Health	1
	2	Criminal	237
	3(a)	Worker's Comp, WC Division	44
	3(b)	Worker's Comp, District Courts	75
	4(a)	Domestic Relations cases with custody/support issues	21
	4(b)	Unemployment Compensation	2
	5(a)	Administrative Appeals	38
	5(b)(i)	Medical Malpractice	5
	5(b)(ii)	Other Torts	77
	5(c)	Property	18
	5(d)	Probate	5
	5(e)	Water	2
	5(f)	Domestic Relations without custody/support issues	24
	5(g)	other civil cases	66
	Total		712

Of these 712 cases, no filing fee was paid in 325. This is because 283 were free process appeals, 35 were appeals by the State, and 7 were transferred from the Supreme Court.

The new cases were filed on the following monthly basis. Filings for the 75th, 74rd, and 73rd Fiscal Years are provided for comparison.

	76th	75th	74th	73rd
July	56	60	68	59
August	47	69	68	55
September	57	54	42	45
October	68	62	74	68
November	56	42	60	54
December	65	57	55	57
January	53	48	46	63
February	53	42	37	58
March	51	59	75	59
April	57	59	55	77
May	63	50	80	57
June	86	59	63	78
Total	**712**	**661**	**723**	**730**

III. Calendaring

Appeals under the SCRA are initiated with the Court by the filing of a docketing statement, which includes a statement of the case summarizing all material facts, a statement of the issues to be presented on appeal, and a list of supporting and contrary authorities. The docketing statement is then screened by the Court's prehearing division, which makes recommendations to the judge assigned to calendaring duties.

The following table represents a breakdown of docketing statements filed during the past fiscal year:

Docketing Statements Filed

Criminal	224
Worker's Compensation	99
Domestic Relations	36
Children's Court	30
Other Civil	168
Total	**557**

Once the docketing statement is filed and reviewed, the case may be placed on one of four calendars. General, legal and limited calendars contemplate a full briefing process. A case put on a summary calendar, with summary affirmance, reversal or dismissal proposed, may be summarily disposed of by the Court unless the party opposing the proposed disposition convinces the Court to recalendar the case.

The following calendar assignments were rendered during the 76th Fiscal Year. These numbers do not correspond to the number of docketing statements filed because a case is usually calendared about a month after the docketing statement is filed; also, interlocutory appeals are calendared although no docketing statement is filed.

Cases Calendared	Civil	Criminal	Total
Summary	275	230	505
General	45	4	49
Limited	1	0	1
Legal	15	1	16
Total	**336**	**235**	**571**

The following calendar reassignments or dispositions were rendered after the time had passed for parties opposing proposed calendarings to file memoranda in response on cases originally assigned to summary calendar.

Summary Cases	Civil	Criminal	Total
Cases Reassigned to Non-Summary	74	58	132
Number of Summary Reassignments	97	89	186
Cases Disposed without opposition	110	48	158
Cases Disposed with opposition	91	126	217
Total disposed on summary	201	174	375
Percent of cases assigned to summary and disposed on summary	73%	76%	74%
Percent of cases disposed on summary (of cases calendared)	60%	74%	66%

IV. Dispositions

In the 76th Fiscal Year, there were 690 cases disposed of, or approximately 99 dispositions per judge. Dispositions include opinions, dispositive orders, and transfers or certifications to the New Mexico Supreme Court. The 690 cases were disposed of as shown below with comparable figures for previous years:

	76th	75th	74th	73rd
Transferred to Supreme Court	22	60	29	38
Dismissed by Order	102	147	57	49
Opinions filed	571	660	440	421
(adjustment for opinions that were not dispositive)	-26	-29	-7	
(adjustment for consolidations)	+21	+15	+13	+14
Total Dispositions	**690**	**853**	**532**	**522**

The categories of cases disposed of by opinion is as follows:

Category:			
	1(a)(i)	Interlocutory Appeals, Criminal	0
	1(a)(ii)	Interlocutory Appeals, Civil	10
	1(b)	Children's Court	25
	1(c)	Mental Health	0
	2	Criminal	194
	3(a)	Worker's Comp, WC Division	14
	3(b)	Worker's Comp, District Courts	61
	4(a)	Domestic Relations cases with custody/support issues	15
	4(b)	Unemployment Compensation	3
	5(a)	Administrative Appeals	33
	5(b)(i)	Medical Malpractice	4
	5(b)(ii)	Other Torts	86
	5(c)	Property	29
	5(d)	Probate	6
	5(e)	Water	4
	5(f)	Domestic Relations without custody/support issues	20
	5(g)	other civil cases	62
	Total		**566**

A breakdown by month of cases disposed of is as follows:

	Opinion	Order	Transfer/ Certification	Totals
July	55	11	1	67
August	30	7	3	40
September	36	6	1	43
October	44	9	2	55
November	51	8	5	64
December	56	13	0	69
January	40	9	0	49
February	49	7	0	56
March	72	6	1	79
April	47	11	2	60
May	35	6	2	43
June	51	9	5	65
Total	**566**	**102**	**22**	**690**

Of opinions disposing of cases, 413 cases were disposed of by 409 memorandum opinions. Memorandum opinions are not to be officially reported or published and are not to be cited as precedent. SCRA 12-405(C) (Recomp.1986). 153 cases were disposed of by 136 formal opinions. The 566 cases disposed of by opinion are broken down by result in the following table:

Civil

Affirmed	219
Reversed	81
Dismissed	37
Affirmed in part and reversed in part	35
Total	**372**

Criminal

Affirmed	147
Reversed	34
Dismissed	3
Affirmed in part and Reversed in part	10
Total	**194**

A monthly comparison of dispositions for the 76th through 72nd Fiscal Years is as follows:

	76th	75th	74th	73rd	72nd
July	64	65	41	40	38
August	40	47	37	43	47
September	40	60	31	28	49
October	54	61	43	34	48
November	62	76	27	45	40
December	65	80	52	46	59
January	48	68	61	38	52
February	54	86	41	37	29
March	78	67	23	39	45
April	59	76	51	54	34
May	43	68	48	54	48
June	63	84	63	50	52
Adj. for Consol.	21	15	14	14	0
Total	**691**	**853**	**532**	**522**	**541**

The following dispositions were made on applications for orders allowing interlocutory review:

Granted	15	
Denied	49	(includes 2 granted and later quashed)
Transferred/Certified	0	
Total	**64**	

V. Motions

1301 motions were filed and acted upon by the Court of Appeals during FY 76. They are broken down by category as follows:

Extensions filed		639
Briefs	204	
Transcripts	21	
Docketing Statements	127	
Memos in Opposition	216	
Other	71	
Motions for Oral Argument		30
Docket and Affirm		2
Stays		12
Rehearing		77
Granted	12	
Denied	63	
Pending	2	
Miscellaneous		541
		1301

VI. Certiorari Status Report

The following table represents Supreme Court action on Court of Appeals cases:

Notices pending at end of prior year	17
Notices filed during the 76th Fiscal Year	242
	259
Granted during the 76th Fiscal Year	41
Denied during the 76th Fiscal Year	209
Notices Pending	9
	259

15 petitions for certiorari that were granted in the prior year were pending at the beginning of the 76th Fiscal Year. Of these and the 41 petitions for certiorari granted during the 76th Fiscal Year, 21 were later quashed and 20 opinions were filed by the Supreme Court. Thus, 15 petitions on which certiorari had been granted were pending at the end of the 76th Fiscal Year.

VII. Average Time To Dispose Of Appeals By Category - Opinions

The criminal appellate rules required a taped transcript of proceedings for cases placed on the limited calendar; no transcript of proceedings was filed in cases placed on a summary or legal calendar. The civil appellate rules permitted a written transcript of proceedings in all cases. The SCRA require a transcript of proceedings (either taped or written) for cases placed on a general or limited calendar; no transcript of proceedings is filed in cases placed on a summary or legal calendar. The following tables depict the average time to dispose of appeals broken down by category for cases disposed of by opinion. The time for issuance of mandate has not been computed. The rules state that mandate shall issue within 20 days of the final order in criminal rules cases, within 30 days of the final order in civil rule cases, and within 20 days of final action by the Court of Appeals in SCRA cases, but because of motions for rehearing and petitions for certiorari to the Supreme Court, the time varies. The time for ruling on petitions for certiorari is controlled by the Supreme Court.

A. Criminal Appeals

General Calendar (Tapes) (17 cases)	Days
Notice of Appeal to Filing of Record	95
Record to At Issue	68
At Issue to Submission	59
Submission to Opinion	43
Total	**265**

General Calendar (Transcript) (6 cases)	
Notice of Appeal to Filing of Record	126
Record to At Issue	75
At Issue to Submission	62
Submission to Opinion	63
Total	**326**

Limited Calendar (Tapes) (7 cases)	
Notice of Appeal to Filing of Record	67
Record to At Issue	63
At Issue to Submission	57
Submission to Opinion	109
Total	**296**
Legal Calendar (2 cases)	
Notice of Appeal to At Issue	67
At Issue to Submission	102
Submission to Opinion	85
Total	**254**
Summary Calendar (162 cases)	
Notice of Appeal to Submission	82
Submission to Opinion	7
Total	**89**

B. Children's Court Cases

General Calendar (Tapes) (5 cases)	
Notice of Appeal to Filing of Record	81
Record to At Issue	66
At Issue to Submission	50
Submission to Opinion	60
Total	**257**
Limited Calendar (3 cases)	
Notice of Appeal to Filing of Record	102
Record to At Issue	107
At Issue to Submission	92
Submission to Opinion	30
Total	**331**
Summary Calendar (17 cases)	
Notice of Appeal to Submission	79
Submission to Opinion	7
Total	**86**

C. Domestic Relations Cases

General Calendar (Tapes)(3 cases)	
Notice of Appeal to Filing of Record	76
Record to At Issue	107
At Issue to Submission	73
Submission to Opinion	97
Total	**353**
Limited Calendar (Tapes) (6 cases)	
Notice of Appeal to Filing of Record	52
Record to At Issue	54
At Issue to Submission	296
Submission to Opinion	68
Total	**470**

Limited Calendar (Transcript) (1 case)	
Notice of Appeal to Filing of Record	178
Record to At Issue	63
At Issue to Submission	212
Submission to Opinion	104
Total	**557**
Summary Calendar (25 cases)	
Notice of appeal to Submission	89
Submission to Opinion	8
Total	**97**

D. Worker's Compensation Cases

General Calendar (Tapes)(9 cases)	
Notice of Appeal to Filing of Record	66
Record to At Issue	70
At Issue to Submission	56
Submission to Opinion	67
Total	**259**
General Calendar (Transcript)(1 cases)	
Notice of Appeal to Filing of Record	111
Record to At Issue	74
At Issue to Submission	105
Submission to Opinion	43
Total	**333**
Limited Calendar (Tapes)(2 cases)	
Notice of Appeal to Filing of Record	88
Record to At Issue	62
At Issue to Submission	84
Submission to Opinion	62
Total	**296**
Legal Calendar (2 cases)	
Notice of Appeal to At Issue	157
At Issue to Submission	47
Submission to Opinion	48
Total	**252**
Summary Calendar (61 cases)	
Notice of appeal to Submission	86
Submission to Opinion	6
Total	**92**

E. Interlocutory Appeals

Civil Interlocutory Cases (Transcripts)(4 cases)	
Application to Filing of Record	71
Record to At Issue	67
At Issue to Submission	43
Submission to Opinion	98
Total	**279**

Civil Interlocutory Cases - Legal Calendar (2 cases)	
Application to At Issue	66
At Issue to Submission	18
Submission to Opinion	76
Total	**160**
Civil Interlocutory Cases - Summary Calendar (4 cases)	
Application to Submission	41
Submission to Opinion	3
Total	**44**

F. Civil Appeals (see Note 1 below)

Not Calendared (Transcript)(97 cases)	
Notice of Appeal to Filing of Record	94
Record to At Issue	81
At Issue to Submission	363
Submission to Opinion	82
Total	**620**
Not Calendared (Tapes)(27 cases)	
Notice of Appeal to Filing of Record	88
Record to At Issue	79
At Issue to Submission	318
Submission to Opinion	100
Total	**585**
Not Calendared (No Transcript or Tapes)(1 case)	
Notice of Appeal to At Issue	154
At Issue to Submission	299
Submission to Opinion	169
Total	**622**
General Calendar (Transcript)(2 cases)	
Notice of Appeal to Filing of Record	82
Record to At Issue	62
At Issue to Submission	141
Submission to Opinion	67
Total	**352**
Legal Calendar (3 cases)	
Notice of Appeal to At Issue	68
At Issue to Submission	181
Submission to Opinion	45
Total	**294**
Summary Calendar (94 cases)	
Notice of Appeal to Submission	84
Submission to Opinion	6
Total	**90**

Note 1: Three atypical cases were not counted. One case was originally placed on a summary calendar and consolidated with a related case. The related case was eventually dismissed by opinion and this case was set for full briefing. A second case was dismissed by opinion upon a motion. The third case was submitted upon an order of the Supreme Court with an abbreviated briefing and oral argument schedule.

The average disposition time achieved by the Court in interlocutory appeals, children's court cases, criminal cases, worker's compensation cases, and domestic relations cases (priority categories 1(a), 1(b), 2, 3(a), 3(b), 4(a), and 5(f)) was almost five months (133.63 days). In non-priority cases, category 5, the average disposition time was one year and one month (386.62 days). The Court's combined average disposition time in all cases was almost eight months (234.3 days).

The Court's programs referred to in Parts VIII(E) and (F) and Part XI of this report were designed to decrease the number of cases in category 5 and to minimize the average disposition time in all cases, with a special emphasis on category 5. The category 5 cases disposed of during FY 75 were the Court's oldest cases. The age, and therefore the disposition rate, of category 5 cases decreased in FY 76. Because all cases filed with the Court now go through the calendaring process, the Court decided 75 civil cases on a summary calendar as shown on page 10 that in previous years would not have been decided but would have been included in the court's backlog and in open cases at the end of the year.

VIII. Hearings and Special Programs

A. There were 3 days of motions hearings involving 3 cases.

B. The Court held 17 days of oral arguments involving 29 cases. Oral arguments were held in Santa Fe, Albuquerque, and Roswell.

C. Judges of the Court of Appeals were designated to participate in 11 Supreme Court cases. One case was still pending at the end of FY 76.

D. Judges of the Court of Appeals sat as District Judges in 2 cases.

E. During the preceding fiscal year, at the request of the Court of Appeals, nine District Judges volunteered and were designated by the Supreme Court to act as judge of the Court of Appeals in eleven cases. Two consolidated cases were pending at the start of the 76th Fiscal Year. Oral argument was held and an opinion was filed in those two cases during the 76th fiscal year.

F. Pursuant to authority granted by the New Mexico Supreme Court on July 19, 1985, the Court of Appeals adopted procedures for voluntary settlement conferences. The purpose of a settlement conference is to expedite the appeal process and to assist the parties and counsel in effecting settlement at the earliest possible stage. If that cannot be done, then a secondary goal is to narrow the issues. The program is voluntary and is only used where all parties agree to a settlement conference. The judge assigned to handle the settlement conference shall not be a member of the panel assigned to decide the case should it not settle. During the 76th Fiscal Year, 2 cases were assigned for settlement conferences. However, neither case resulted in a settlement. The Court expects to renew the voluntary settlement procedure in the 77th Fiscal Year.

IX. Cases Filed In New Mexico Court of Appeals By County

County	F.P.	Civil	Criminal	Interloc.	Doc.&Aff.	Total
Bernalillo	94	103	76	17	1	197
Cibola	3	2	3	2	0	7
Catron	0	0	0	0	0	0
Chaves	37	7	39	3	0	49
Colfax	6	4	5	0	0	9
Curry	12	7	11	0	0	18
De Baca	0	0	0	0	0	0
Dona Ana	7	25	9	3	0	37
Eddy	19	8	16	2	0	26
Grant	5	4	6	2	0	12
Guadalupe	0	0	0	0	0	0
Harding	0	0	0	0	0	0
Hidalgo	0	2	0	0	0	2
Lea	22	11	25	2	1	39
Lincoln	3	4	1	1	0	6
Los Alamos	0	5	3	0	0	8
Luna	4	9	2	1	0	12
McKinley	5	5	1	3	0	9
Mora	1	3	0	0	0	3
Otero	4	9	5	0	0	14
Quay	5	3	3	0	0	6
Rio Arriba	5	10	3	3	0	16
Roosevelt	3	1	3	0	0	4
Sandoval	6	7	5	2	1	15
San Juan	14	26	7	2	0	35
San Miguel	3	8	2	0	0	10
Santa Fe	20	36	10	13	0	59
Sierra	1	5	0	1	0	6
Socorro	0	5	0	1	0	6
Taos	4	7	1	1	0	9
Torrance	0	0	0	0	0	0
Union	1	1	1	0	0	2
Valencia	9	9	0	5	0	14
Admin.Appeals	6	37	0	0	0	37
Workmens Comp	27	45	0	0	0	45
Total	**325**	**408**	**237**	**64**	**3**	**712**

X. Advisory Committee Cases

On August 29, 1986, as an emergency measure, the Court adopted a short term, experimental plan proposed by the State Bar of New Mexico to aid in reducing this Court's critical case backlog. The plan involved the assistance of experienced attorneys who served without compensation as members of an advisory committee to the Court of Appeals.

Members of the advisory committee must have five years experience in the practice of law. They deliberated in panels of three, each one of whom had the responsibility of writing and filing a proposed opinion in at least one case and of acting as a participant in two other cases. After filing of the proposed opinion, the parties had an opportunity to file response memoranda. The Court then assigned the case to three of its judges for decision. The deadline for completion of the experimental plan was January 1, 1988.

70 cases were assigned to the Advisory Committee Project in FY 75. The progress of those 70 cases through November 1988 is shown below. Two of the cases remain pending, one is in abeyance due to a stay in Bankruptcy Court and the other has been submitted to a panel of the Court of Appeals for decision.

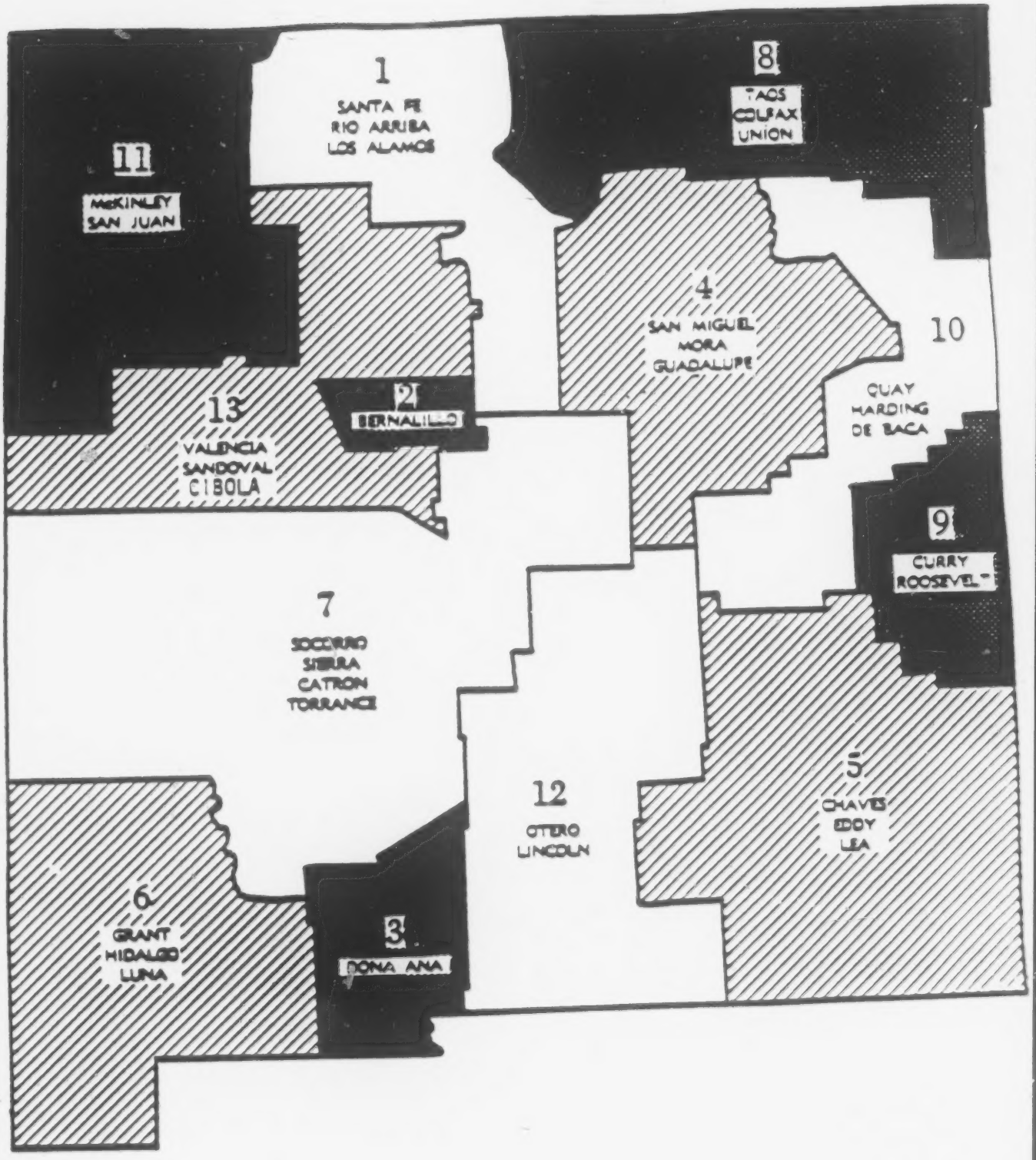
Proposed opinions filed by attorney advisory committees	53	
Submitted to the Court and opinions filed		44
Voluntarily dismissed by the parties		6
Transferred to the Supreme Court		2
Pending		1
Withdrawn from attorney advisory committee prior to proposed opinion	17	
Submitted to the Court and opinions filed		12
Voluntarily dismissed by the parties		3
Transferred to the Supreme Court		1
Pending		1

XI. Comparison Statistics

New cases filed and case dispositions in the 76th Fiscal Year are compared to previous years as shown below:

YEAR	NEW CASES	CASES DISPOSED OF
1966	24	4
1967	108	81
1968	152	140
1969	168	145
1970	168	149
1971	232	221
1972	235	239
1973	318	265
1974	475	372
1975	514	529
1976	446	550
1977	576	503
1978	539	463
1979	517	493
FY 68 (1979-80)	570	578
FY 69 (1980-81)	505	557
FY 70 (1981-82)	599	558
FY 71 (1982-83)	561	522
FY 72 (1983-84)	629	541
FY 73 (1984-85)	730	522
FY 74 (1985-86)	723	532
FY 75 (1986-87)	661	853
FY 76 (1987-88)	712	690

JUDICIAL DISTRICTS



DISTRICT COURTS
District Court Judges - 1988 Roster

District/Division		Location	Judge
First	I	Santa Fe	Petra Jimenez-Maes
	II		James F. Blackmer
	III		Patricio Serna
	IV		Bruce E. Kaufman
	V		Art Encinias, Presiding Judge
	VI		Roger L. Copple
Second	I	Albuquerque	Michael E. Martinez
	II		Joseph F. Baca
	III		Frederick M. Mowrer
	IV		William W. Deaton, Jr.
	V		Gerard W. Thomson
	VI		Wilbert C. Smith II
	VII		Philip R. Ashby
	VIII		Ross C. Sanchez
	IX		C. Burton Cosgrove III
	X		Rozier E. Sanchez
	XI		Richard B. Traub
	XII		Rebecca Sitterly
	XIII		John E. Brown
	XIV		W. John Brennan, Presiding Judge
	XV		H. Richard Blackhurst
	XVI		Robert L. Thompson
	XVII		Anne Kass
	XVIII		Susan M. Conway
	XIX		Albert S. Murdoch
Third	I	Las Cruces	Joe H. Galvan, Presiding Judge
	II		Garnett R. Burks, Jr.
	III		James T. Martin
	IV		Lalo Garza
Fourth	I	Las Vegas	Benny Flores, Presiding Judge
	II		Jay G. Harris
Fifth	I	Carlsbad	Harvey W. Fort
	II	Roswell	Alvin F. Jones, Presiding Judge
	III	Hobbs	Ralph W. Gallini
	IV	Hobbs	Patrick J. Francoeur
	V	Carlsbad	James L. Shuler
	VI	Roswell	William J. Schnedar
	VII	Hobbs	Lawrence H. Johnson

District/Division		Location	Judge
Sixth	I	Silver City	V. Lee Vesely
	II	Deming	Manuel D.V. Saucedo, Presiding Judge
Seventh	I	Socorro	Edmund H. Kase III, Presiding Judge
	II		Paul "Pablo" Marshall
Eighth	I	Raton	Peggy J. Nelson
	II	Taos	Joseph E. Caldwell, Presiding Judge
Ninth	I	Clovis	Reuben E. Nieves, Presiding Judge
	II	Clovis	Fred T. Hensley
	III	Portales	David W. Bonem
Tenth	I	Tucumcari	Stanley F. Frost
Eleventh	I	Aztec	Benjamin S. Eastburn
	II	Gallup	Joseph L. Rich
	III	Aztec	James L. Brown
	IV	Farmington	Paul R. Onuska, Presiding Judge
Twelfth	I	Alamogordo	Sandra A. Grisham
	II	Alamogordo	Robert M. Doughty II, Presiding Judge
	III	Carrizozo	Richard A. Parsons
Thirteenth	I	Los Lunas	Mayo T. Boucher
	II	Bernalillo	Kenneth G. Brown
	III	Los Lunas	Tibo Chavez
	IV	Grants	Martin G. Pearl, Presiding Judge

District Courts - Activities

During the 1987-88 fiscal year, the state's district courts as a group performed effectively, as evidenced by the first overall reduction this decade in the backlog of pending cases. Many new programs were put into effect; these and other matters of importance to the districts are summarized in this report.

First Judicial District
(Santa Fe, Los Alamos and Rio Arriba counties)

The court has committed itself to a long-range program designed to reduce delay. The first part of the program consisted of the creation of specialized courts for each of the civil, criminal, family and children's court caseloads. After a year in operation, the specialized courts have clearly resulted in faster case dispositions. The second part of the program requires a semi-annual review of all open cases and the "purging" of inactive cases. Not only does this practice allow the district's judges to focus on active cases, but it encourages attorneys to review their cases more regularly. A third aspect of the program, still in the planning stage, will include fixed time frames for the resolution of civil cases, much as criminal and children's court cases are now controlled.

As a result of the implementation of goal-oriented case management procedures, the First District has been able to meet its increasing caseload as well as to dispose of 25 percent of its backlog.

Second Judicial District
(Bernalillo county)

The past year was one of transition and challenge for the court. The County of Bernalillo moved forward with a $4 million project to upgrade the county courthouse's heating and cooling system, although the court's judges had urged a delay until after voter consideration of a bond issue on this subject. In any event, the project will require the temporary relocation of all court offices, for up to three months each. The court appreciates the forbearance of the public and other parties who must visit the courthouse during this period.

In conjunction with this project, an asbestos-removal project is also being conducted in the courthouse. Questions about the safety of building employees and other persons using the facility have been raised; the court is doing everything possible to alleviate these concerns and to minimize the disruption of services to the public.

Notwithstanding these problems, the court last year moved forward in two important program development areas: creation of a Domestic Violence Section and the development of a Pilot Arbitration Project.

The 37th legislature enacted the Family Violence Protection Act, Section 40-15-1 to 40-15 7 NMSA 1978, which greatly increased the volume of domestic violence type cases received by the court. As a result, the Family Court Division was soon overwhelmed with petitions for orders of protection filed by victims of domestic abuse. To cope with this condition, the court temporarily

established a Special Commissioner position to hear these matters. This individual was provided clerical support through the Domestic Relations Division. Victims of domestic violence appearing at the courthouse receive a setting before the commissioner the same day, allowing these individuals immediate relief from a violent situation. During the 1988 legislative session, the court was successful in its efforts to obtain a full-time commissioner and two support staff.

In 1986, the New Mexico legislature provided statutory authority for the establishment of court-annexed arbitration programs. However, no direct funding for these programs was provided. The Alternatives to Trial foundation was established by the court to seek alternative funding to support a pilot arbitration project. In the spring of 1988, with the help of the State Bar Association and a criminal justice grant, the project began. Seven hundred civil cases of $15,000 or less were targeted for participation and diverted into the program from existing court dockets. The project established three primary goals: 1) reduce court congestion on the trial track; 2) serve as a cost effective alternative to additional judgeships; and, 3) improve access to the courts for diverse users by reducing litigant's costs. In addition, this cost-effective method of disposing of minor civil cases will hopefully free judges to address their weightier civil cases and rapidly expanding criminal dockets.

Third Judicial District
(Doña Ana county)

This year has been a very productive one for the Third Judicial District. The following is a list of accomplishments:

Because maintenance of the law library is one of the biggest expenses incurred by the Court, some library books had to be eliminated. The Court coordinated with the library committee of the bar association and came up with a list of supplements and books to eliminate. A great deal of thought and care had to be taken to ensure that the value of our library was not jeopardized. The total savings was approximately $8,000.

The judges and the juvenile probation office created a much-needed program for the youth of the community, involving establishment of narcotics and alcoholic anonymous groups for adjudicated youth offenders. The judges approved the program and the use of the courtroom or grand jury room for their meeting place.

For the area of forensic evaluations, the court met and coordinated with Mr. Vincent Ortega, executive director for Southern New Mexico Human Development. To comply with their HED contract, the judges agreed that referrals for forensic evaluations will be initiated through the courts and referred only by court order. Judges drafted such an order to be used for this purpose and made available to all criminal justice agencies.

The district judges, sheriff's department, city police and the district court clerk met to try to get to some workable solution for the numerous problems created by the Domestic Violence Act. Procedures were recommended and implemented by all agencies. The procedure also coordinated the service of summons and subpoenas by the sheriff's department. These procedures seem to be working fairly well.

A jail/judicial complex advisory committee was established by the Doña Ana County Commission. The district judges, district attorney and district court clerk have all been involved to ensure that the needs of the district are met. This project is still in the planning stage and will require a great deal of time and input. Hopefully in the not too distant future, we will have a new and adequate judicial complex.

Finally, all cases for the year 1986 have been analyzed for the purposes of anticipating the implementation of time limits on civil matters. Cross-training of deputy clerks is continuing in order to make the operation of the clerk's office more efficient. Conferences with the district attorney and public defender have been held with a view towards streamlining the processing of criminal cases in anticipation of time limits in criminal matters.

Fourth Judicial District
(San Miguel, Guadalupe and Mora counties)

Much work and effort has been put into the clearing of old litigant accounts. The project, which began in the 75th fiscal year, showed a considerable amount of progress in the 76th fiscal year.

Esperanza, an agency for assisting families of domestic violence, was established in Las Vegas this year and the court and that agency have been working together for counseling and assistance with forms for the Family Violence Protection Act.

The district court clerk's office was able to update the office with the purchase of a modular system from Corrections Industries. Not only has this system modernized the office, but the court will be better able to utilize the state's automation system when it is implemented. The system has completely centralized and accommodated the working area for the staff of the district court clerk's office.

Fifth Judicial District
(Chaves, Eddy and Lea counties)

Regarding jury cases, the district tried 150 cases for a total of 2,280 jury hours. Quarterly meetings of the judges and clerks have been instituted and are producing good results. The district is coping with its caseload, but resources are not fully adequate; thus, additional personnel resources are being requested for the 78th fiscal year.

Sixth Judicial District
(Grant, Hidalgo and Luna counties)

Caseload in the district has continued to increase, partially because of the Domestic Violence Act and also an increase in requests to modify child support based upon the mandatory child support guidelines. Nevertheless, pending cases in the district have been reduced by 20 percent.

The district continues programs to upgrade equipment and to implement uniform procedures in the three county district courts. Local court rules are also being revised.

Major personnel changes occurred upon the retirement of Nadine Speir, Lunca County district court clerk, after 30 years of service to the district, and the death of Mike Tarazon, Luna County juvenile probation officer.

Seventh Judicial District
(Catron, Sierra, Socorro and Torrance counties)

Torrance County court has continued to see an increase in filings by approximately 15 percent over last year without an addition to their staff. Fortunately, there has been no staff turnover for the past two years. Socorro-Catron County courts have continued to improve their facilities with the addition of ceiling fans, carpeting and the construction of a new monitor's table and judge's bench. They have also added a directory board to assist attorneys and others seeking the appropriate courtroom on any particular day. Sierra County court has seen the addition of new carpeting, paint and office furniture to update the facilities.

All courts have continued their microfilming and jacketing projects and are current in this regard. Staff members have each been cross-trained to assist in other areas of the operations whenever they can.

Eighth Judicial District
(Taos, Colfax and Union counties)

This year, the district began a Court Mediation project, which provides court-mandated mediators, evaluators and counselors in domestic relations cases where disputes exist about custody and visitation of children. It is expected that the project will provide more effective treatment of children's custody issues for litigants in those cases.

In February Peggy J. Nelson became district judge following the resignation of Judge Leon Karelitz. The district acknowledges its gratitude for Judge Karelitz's service; he was recognized by the state bar by receiving its meritorious service award for the year 1988.

Ninth Judicial District
(Curry and Roosevelt counties)

A new law library was added in Roosevelt County to assist the new judge and his staff. The district utilized its computer capabilities by placing the Curry and Roosevelt Counties inventories, law libraries and billing on computer. The budget preparation program was also added to the computer in the 76th fiscal year. Some local court rules were revised and five new rules were added. All cases, through December 1982, have been microfilmed and microfiched in Roosevelt County. The last will and testament filing system was revised in Curry County. The child support unit collected and disbursed $1.6 million to custodial parents and the State of New Mexico.

Tenth Judicial District
(Quay, Harding and DeBaca counties)

The Tenth Judicial District experienced a period of relative stability in 1988. In terms of court personnel, the position of microfilm clerk was replaced with one for a court clerk because of caseload changes. Although microfilming requirements are currently being handled satisfactorily, the district may eventually need to restore the microfilm clerk position to its staffing complement.

Eleventh Judicial District
(San Juan and McKinley counties)

A mediation program was established to help parents prepare child custody plans. A structured program was developed which was incorporated into a handbook, which includes local rules, state statutes and mediator qualifications, as well as model forms which provide for events from the initiation of the program to its conclusion. In 1988, 59 cases were referred to mediation, of which 40.7 percent of the cases could not be resolved by mediators; 20.3 percent of cases were resolved by mediators and 13.6 percent were resolved in some other manner. Twenty-five percent of cases referred to mediation are still pending. Better results are anticipated as the process becomes more familiar.

The clerk's offices pursued major training efforts in 1988. These efforts include seminars and discussion groups on specific office procedures. A training manual is being prepared for all basic clerk functions that deal with docketing, automation or financial functions. Overall error rates have been reduced 9 percent.

The district last year also installed a security system, which utilizes metal detectors and is operated by the San Juan County sheriff's office.

With respect to the district's caseload in fiscal year 1987-88, the backlog of civil cases was reduced. The continuing increase in juvenile case filings continues to be a major problem, both for the court and the communities within the district.

Twelfth Judicial District
(Lincoln and Otero counties)

Divisions I and II rang in 1988 by moving to their newly remodeled offices. In 1987, the Otero County Courthouse underwent major remodeling and the court had to move several times while holding court in whatever quarters it could find. The new facilities, boasting two courtrooms in the round, a hearing room, two jury rooms, a grand jury room, witness waiting rooms and an interview room with a two-way mirror, provide a more pleasant atmosphere in which to work.

Judge Grisham conducted a thorough review of the domestic relations forms and adapted them for the district's use. Court staff prepared the modified forms with instructions for use and conducted a workshop for the court, law enforcement and other personnel who are involved in domestic violence

actions. All of these forms have been computerized so that when an individual files a petition, in the clerk's office, other documents can be prepared by the judge's secretary as quickly as possible.

Thirteenth Judicial District
(Cibola, Sandoval and Valencia Counties)

The district court has instituted a domestic relations mediation program in accordance with Laws of 1987, Chapter 153. The program will use local psychiatrists and counselors who have appropriate training in mediation.

The final phase of furnishing all new court offices for Cibola County has been completed. The county was also funded for new microfilm equipment and is now microfilming on a full-time basis.

In Sandoval County the completion of a new judicial complex has been delayed and is expected to be completed by February 1989. Furniture and equipment for the new complex will be provided with district court funds. Lydia Carbajal, chief court clerk for 17 years, retired on June 30, 1988 and Richard Peña was appointed court administrator effective August 15, 1988.

DISTRICT COURT CASELOAD REPORT

Presented by County, 76th (1987-88) Fiscal Year

COURT	CIVIL CASES					DOMESTIC CASES				
	Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88	Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88
LOS ALAMOS	207	349	72	433	195	120	88	16	116	108
RIO ARRIBA	761	432	77	735	535	227	190	54	271	200
SANTA FE	3431	2403	198	3683	2349	713	779	129	900	721
BERNALILLO	9857	11776	1545	13595	9583	4684	4778	2918	8566	3814
DOÑA ANA	1352	1525	77	1466	1488	459	1089	199	1177	570
GUADALUPE	41	37	10	44	44	8	27	3	28	10
MORA	84	74	9	75	92	16	34	15	38	27
SAN MIGUEL	399	506	333	857	381	130	200	64	268	126
CHAVES	1640	956	216	1268	1544	251	610	285	896	250
EDDY	724	729	56	864	645	303	566	313	863	319
LEA	1553	1361	86	1397	1603	585	692	181	831	627
GRANT	555	456	49	559	501	331	229	62	342	280
HIDALGO	119	85	10	96	118	71	36	17	80	44
LUNA	360	244	10	348	266	121	122	33	134	142
CATRON	52	43	4	52	47	5	20	1	18	8
SIERRA	192	192	42	195	231	30	118	31	128	51
SOCORRO	231	198	37	280	186	60	121	45	167	59
TORRANCE	104	120	44	156	112	76	915	77	989	79
COLFAX	345	284	129	393	365	135	113	29	134	143
TAOS	578	416	62	502	554	298	169	72	205	334
UNION	109	89	50	133	115	24	37	2	40	23
CURRY	479	570	23	584	488	237	576	185	758	240
ROOSEVELT	204	236	6	168	277	66	157	30	168	85
DE BACA	40	15	0	11	44	13	8	5	13	13
HARDING	35	14	0	15	34	5	4	2	7	4
QUAY	363	72	3	66	372	33	118	22	125	48
MCKINLEY	324	531	0	486	369	145	216	0	243	118
SAN JUAN	2030	1208	30	1425	1843	684	632	89	692	713
LINCOLN	539	565	287	895	496	70	128	54	169	83
OTERO	614	548	5	505	662	324	598	87	559	450
CIBOLA	434	204	46	297	387	234	252	48	372	162
SANDOVAL	722	596	95	673	740	132	242	31	241	164
VALENCIA	996	802	443	1321	920	350	304	115	308	461
Total	29473	27636	4054	33577	27586	10940	14168	5214	19846	10476

DISTRICT COURT CASELOAD REPORT (Continued)

Presented by County, 76th (1987-88) Fiscal Year

CRIMINAL CASES					JUVENILE CASES					TOTAL 76th FY CASELOAD				
Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88	Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88	Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88
18	44	14	55	21	26	33	14	56	17	371	514	116	660	341
131	157	72	240	120	113	170	88	263	108	1232	949	291	1509	963
461	455	129	640	405	213	307	203	522	201	4818	3944	659	5745	3676
3277	3572	899	3962	3786	1721	2624	1267	4065	1547	19539	22750	6629	30188	18730
231	505	87	538	285	163	275	152	435	155	2205	3394	515	3616	2498
18	89	2	91	18	3	14	10	20	7	70	167	25	183	79
7	36	2	39	6	6	14	9	15	14	113	158	35	167	139
88	413	23	437	87	65	162	116	216	127	682	1281	536	1778	721
166	321	81	377	191	38	80	36	111	43	2095	1967	618	2652	2028
131	245	53	255	174	135	221	248	452	152	1293	1761	670	2434	1290
252	376	63	473	218	19	143	70	217	15	2409	2572	400	2918	2463
60	121	29	148	62	38	76	31	111	34	984	882	171	1160	877
20	42	17	56	23	22	38	15	65	10	232	201	49	298	195
26	104	18	115	33	28	62	25	97	18	535	532	86	694	459
4	15	1	15	5	2	10	0	9	3	63	88	6	94	63
41	59	14	83	31	37	43	3	64	19	300	412	90	470	332
52	74	10	108	28	8	65	13	76	10	351	458	105	631	283
13	53	8	53	21	15	38	17	61	9	208	1126	146	1259	221
42	84	17	89	54	10	30	17	42	15	532	511	192	658	577
135	94	11	103	137	25	49	5	34	45	1036	728	150	844	1070
8	9	2	6	13	0	3	2	3	2	141	138	56	182	153
109	172	76	268	89	95	162	195	379	73	920	1480	479	1989	890
60	57	13	78	52	35	63	11	65	44	364	513	60	479	458
6	9	1	8	8	7	1	0	2	6	66	33	6	34	71
5	1	1	6	1	0	0	0	0	0	45	19	3	28	39
67	103	18	113	75	20	63	7	50	40	483	356	50	354	535
106	139	3	156	92	47	162	0	148	61	622	1048	3	1033	640
320	437	62	426	393	132	353	19	316	188	3166	2630	200	2859	3137
36	61	31	96	32	17	29	18	47	17	662	783	390	1207	628
184	170	34	193	195	100	7	4	10	101	1222	1323	130	1267	1408
187	88	12	203	84	28	50	6	71	13	883	594	112	943	646
108	96	27	131	100	39	83	32	96	58	1001	1017	185	1141	1062
200	215	10	187	238	15	62	8	53	32	1561	1383	576	1869	1651
6569	8416	1840	9748	7077	3222	5492	2641	8171	3184	50204	55712	13749	71342	48323

DISTRICT COURT CASELOAD REPORT

Presented by Judicial District, 76th (1987-88) Fiscal Year

	CIVIL CASES					DOMESTIC CASES				
	Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88	Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88
1st District	4399	3184	347	4851	3079	1060	1057	199	1287	1029
2nd District	9857	11776	1545	13595	1488	4684	4778	2918	8566	3814
3rd District	1352	1525	77	1466	1488	459	1089	199	1177	570
4th District	524	617	352	976	517	154	261	82	334	163
5th District	3917	3046	358	3529	3792	1139	1868	779	2590	1196
6th District	1034	785	69	1003	885	523	387	112	556	466
7th District	579	553	127	683	576	171	1174	154	1302	197
8th District	1032	789	241	1028	1034	457	319	103	379	500
9th District	682	806	29	752	765	303	733	215	926	325
10th District	438	101	3	92	450	51	130	29	145	65
11th District	2354	1739	30	1911	2212	829	848	89	935	831
12th District	1153	1113	292	1400	1158	394	726	141	728	533
13th District	2152	1602	584	2291	2047	716	798	194	921	787
Total	29473	27636	4054	33577	27586	10940	14168	5214	19846	10476

DISTRICT COURT CASELOAD REPORT (Continued)

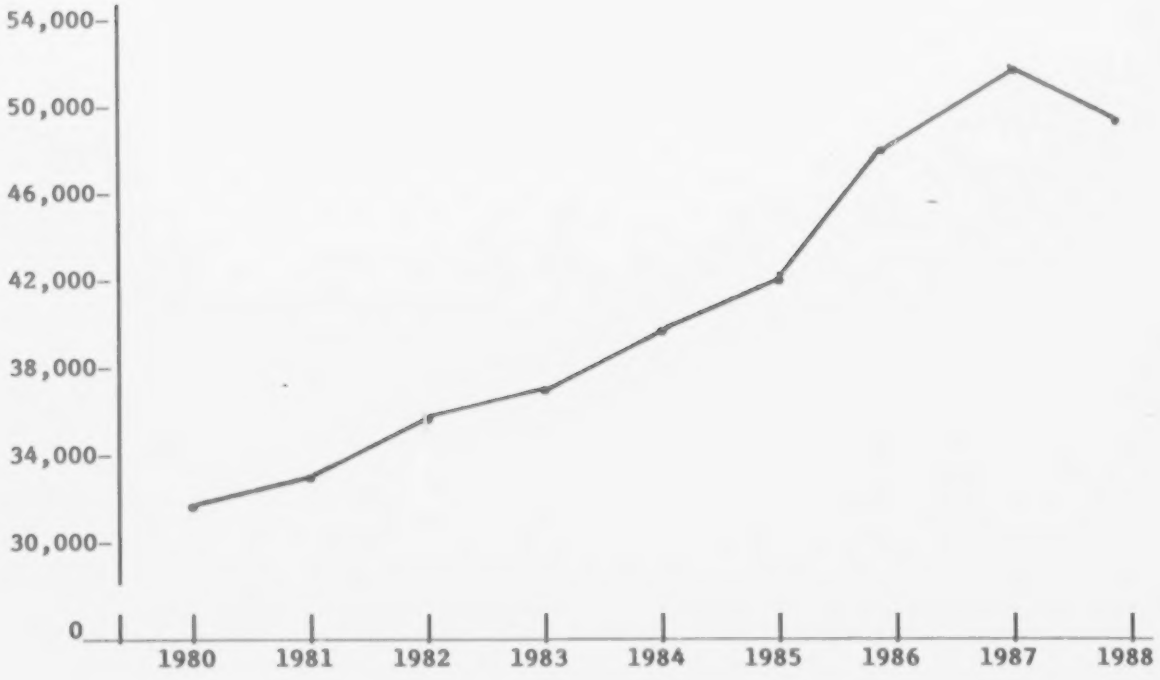
Presented by Judicial District, 76th (1987-88) Fiscal Year

CRIMINAL CASES					JUVENILE CASES					TOTAL 76th FY CASELOAD				
Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88	Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88	Pending 7-01-87	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-88
610	656	215	935	546	352	510	305	841	326	6421	5407	1066	7914	4980
3277	3572	899	3962	3786	1721	2624	1267	4065	1547	19539	22750	6629	30188	18730
231	505	87	538	285	163	275	152	435	155	2205	3394	515	3616	2498
113	538	27	567	111	73	190	135	251	148	865	1606	596	2128	939
549	942	197	1105	583	192	444	354	7b	210	5797	6300	1688	8004	5781
106	267	64	319	118	88	176	71	273	62	1751	1615	316	2151	1531
110	201	33	259	85	62	156	33	210	41	922	2084	347	2454	899
185	187	30	198	204	35	82	24	79	62	1709	1377	398	1684	1800
169	229	89	346	141	130	225	206	444	117	1284	1993	539	2468	1348
78	113	20	127	84	27	64	7	52	46	594	408	59	416	645
426	476	65	582	485	179	515	19	464	249	3788	3678	203	3892	3777
220	231	65	289	227	117	36	22	57	118	1884	2106	520	2474	2036
495	399	49	521	422	82	195	46	220	103	3445	2994	873	3953	3359
6569	8416	1840	9748	7077	3222	5492	2641	8171	3184	50204	55712	13749	71342	48323

STATEWIDE DISTRICT COURT CASELOAD TREND
68th - 76th Fiscal Years

Fiscal Year	Pending Begin FY	New Filings	Reopened Cases	Closed Cases	Pending End FY
76th (1987-88)	50,204	55,712	13,749	71,342	48,323
75th (1986-87)	46,974	57,347	11,820	66,057	50,084
74th (1985-86)	41,883	59,247	11,653	65,063	47,602
73rd (1984-85)	40,802	55,768	11,681	66,321	41,913
72nd (1983-84)	37,072	55,341	10,133	61,764	40,782
71st (1982-83)	34,059	59,243		55,588	37,714
70th (1981-82)	32,984	53,710		52,578	34,116
69th (1980-81)	32,573	54,187		53,983	32,777
68th (1979-80)	31,666	55,216		54,309	32,573

PENDING CASES IN N.M. DISTRICT COURTS
As of June 30 for 1980 through 1988



MAGISTRATE COURTS
Magistrate Court Judges - 1988 Roster

County/Division	Location	Judge
Catron I	Reserve Quemado (Circuit)	Robert A. Atwood
Chaves I	Roswell	Joseph D. Posz, Presiding Judge
Chaves II	Roswell	John W. McLemore
Cibola I	Grants	W. Frank Emerson
Cibola II	Milan	Marion K. Cregger
Colfax I	Raton	Archie A. Valdez
Colfax II	Springer Cimarron (Circuit)	Margarito Arellano
Curry I	Clovis	Ottis Foster, Presiding Judge
Curry II	Clovis	Richard A. Burke
De Baca I	Ft. Sumner	Thomas P. Rogers
Doña Ana I	Las Cruces	J. Roberto Rodriguez, Presiding Judge
Doña Ana II	Las Cruces	Benjamin B. Rios
Doña Ana III	Las Cruces Anthony (Circuit)	Ruben J. Maynez
Eddy I	Carlsbad	Steven E. Clark
Eddy II	Carlsbad	Nancy F. Beard, Presiding Judge
Eddy III	Artesia	Donald W. Price
Grant I	Silver City	John H. Scholl
Grant II	Bayard	Y.B. Morales
Guadalupe I	Santa Rosa Vaughn (Circuit)	Arcenio C. Sanchez
Harding I	Roy	Mae Nucci
Hidalgo I	Lordsburg	Rosa Lina Salinas
Lea I	Lovington	Vickey A. Crawford
Lea II	Hobbs	J. Ralph Wrinkle
Lea III	Eunice Jal (Circuit)	Don W. Gladden
Lea IV	Tatum	Virginia Pior
Lincoln I	Carrizozo	Gerald Dean, Jr.
Lincoln II	Ruidoso	James R. Wheeler
Los Alamos I	Los Alamos	Marthanne Cole

County/Division	Location	Judge
Luna I	Deming	Fred C. De La O, Jr.
McKinley I	Gallup	Lidio G. Rainaldi, Presiding Judge
McKinley II	Gallup	Paris C. Derizotis
McKinley III	Thoreau	John J. Carey
Mora I	Mora	Rudy C. Montoya
Otero I	Alamogordo	Reynaldo S. Cordova
Otero II	Alamogordo	Henry M. Prelo, Presiding Judge
Quay I	Tucumcari San Jon (Circuit)	J. Bronson Moore
Rio Arriba I	Chama	Baltazar Archuleta
Rio Arriba II	Española	Richard C. Martinez
Roosevelt I	Portales	Jesse Porter
Sandoval I	Bernalillo	Bennie Lovato
Sandoval II	Cuba	Richard Velarde
San Juan I	Aztec	Ola Mae Hynson
San Juan II	Farmington	J. Ellen Holloway, Presiding Judge
San Juan III	Farmington	Terry L. Pearson, Sr.
San Miguel I	Las Vegas	Luis Martinez
San Miguel II	Las Vegas	Oliver Hern
Santa Fe I	Santa Fe	Eugene F. Romero, Presiding Judge
Santa Fe II	Santa Fe	Isaac R. Archuleta
Santa Fe III	Santa Fe Pojoaque (Circuit)	George Anaya, Jr.
Sierra I	T or C	Totsie Norton Williams
Socorro I	Socorro	Ignacio N. Garcia
Taos I	Taos	Walter F. Herrera
Taos II	Taos Questa (Circuit)	Betty J. Gonzales, Presiding Judge
Torrance I	Moriarty Estancia (Circuit)	Jean Williams
Union I	Clayton	Herbert S. Blakely
Valencia I	Los Lunas	Toribio L. Perea
Valencia II	Belen	Gillie Sanchez

Magistrate Courts - Activities

Magistrate Clerk's Manual Revision Committee

The magistrate clerk's manual was written in 1985 as a joint effort of the administrative office of the courts and a committee of magistrate clerks. The manual was adopted by the supreme court as a training and informational aid and as a procedural guide for clerks. The magistrate clerk's manual is used by internal and external auditors to determine a court's compliance with statute, rule and administrative policies related to case processing or financial control.

Regardless of the best intentions, manuals tend to be static rather than dynamic documents, and they must go through major periodic revisions. Preparatory to the 1989 clerks' conference, a committee of magistrate clerks was appointed to revise the magistrate clerk's manual to reflect the systemic changes that have occurred over the last four years. In addition, the committee is reformatting the manual and providing additional narrative to make it easier for new clerks to use. Members of the committee are: Esther Bargas, Portales chief clerk, chairwoman; Frances Ballew, Clayton clerk; Monica Martinez, Gallup chief clerk; Sandra Martinez, Española chief clerk; and Jolene Smith, Farmington chief clerk.

1989 Clerks' Conference

The 77th fiscal year clerks' conference will include training sessions on the revised portions of the clerk's manual as well as other topics related to court administration, such as personnel issues, court statistics, court finances and the 1988 audit findings. Other courses are planned which will enhance individual skills and performance. One goal of the conference is to explore management initiatives that will ensure efficient and effective court management and foster better coordination and cooperation with law enforcement and other agencies involved in the criminal justice system.

Magistrate Judge Training

AOC is requesting a significant increase in the judicial training budget for the upcoming fiscal year. The time magistrates currently spend in training each year is woefully inadequate. Each year, the legislature amends or enacts laws that affect the magistrate courts; case law and rule changes affecting the magistrate courts are ongoing. It is important that judges not only be notified of changes, but that they receive training on them as well. AOC is recommending that magistrates attend two training sessions a year, rather than the one that is provided at present. Semiannual training will ensure that judges are current on changes in statute, case law, rule and administrative policies and will allow for more in-depth coverage of more subjects.

Magistrate Capital Needs

Laws 1988, Chapter 13 (House Bill 2) required that AOC verify furniture and equipment needs in the magistrate courts and develop a statewide replacement plan for those items. Prior to the legislative request, AOC had begun a needs assessment as part of its effort to provide improved housing for the courts. The provision of better housing is an on-going process as leases expire.

The equipment replacement plan provides that within a three-year period (FY 76-78) major equipment will be placed or replaced statewide. Major equipment includes copiers, typewriters, postage meters and scales and recorders. At the current time, all courts have copiers. Typewriters are scheduled for replacement based on age and condition; by the end of the 78th fiscal year, 71 typewriters will be placed or replaced; 42 postage scales and 49 postage meters will be placed in the courts during the same time period. Eleven recorders are scheduled for replacement in the 77th fiscal year. Major equipment will be reviewed every five years, unless specific equipment exceeds normal maintenance requirements.

Taken as a whole, the magistrate system furniture is in poor condition; in fact, the furniture in some courts dates back to the inception of the magistrate system. Major purchases have been made over the last two years, mainly as courts have relocated or been remodeled, but there is much to do. The courts identified immediate furniture needs which AOC included in its FY 77 and 78 requests. Improvement of court furnishings will continue over the next few years. Filing cabinets represent a major purchase for the courts, and AOC has developed a placement policy for this item. Prior to purchase, AOC will perform a records review of the requesting court to determine if the court is current on records destruction. Since magistrate courts are not courts of record, the retention schedule provides for destruction of a file one year after the case is closed; other records are subject to destruction on varying schedules.

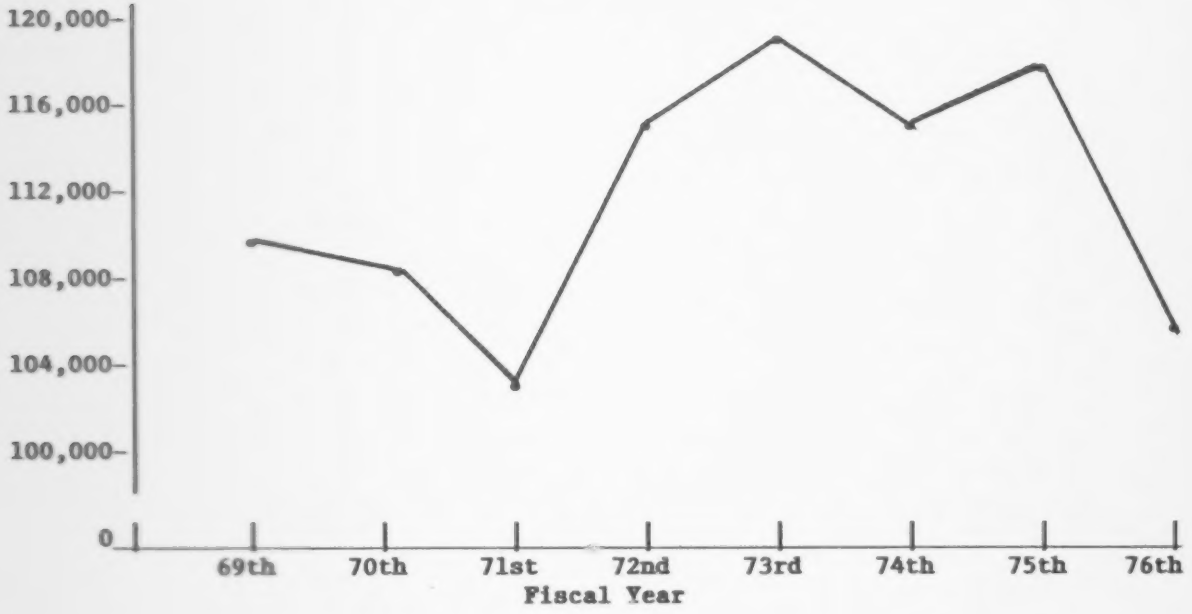
Site Visits

AOC staff was much more involved this past year in magistrate court site visits, particularly in providing court reviews or other requested assistance. Per request, court reviews were performed at Farmington, Aztec, Santa Fe, Las Cruces/Anthony and Socorro magistrate courts and Bernalillo metropolitan court. Other assistance was provided by on-site visits to Aztec, Gallup, Clayton and Los Alamos. The director, deputy director and other staff paid courtesy visits to the following courts during 1988: Alamogordo, Artesia, Aztec, Bayard, Belen, Bernalillo, Carlsbad, Chama, Cimarron, Cuba, Deming, Española, Farmington, Hobbs, Las Cruces, Las Vegas, Lordsburg, Los Alamos, Los Lunas, Lovington, Quemado, Reserve, Roswell, Silver City, Taos and Truth and Consequences.

STATEWIDE MAGISTRATE COURT CASELOAD TREND
Filings by Category, 69th - 76th Fiscal Years

FISCAL YEAR	CIVIL	MIS-DEMEANOR	DWI	TRAFFIC	FELONY	TOTAL
76th (1987-88)	11,065	24,503	5,729	52,330	10,968	104,595
75th (1986-87)	13,326	31,570	6,627	53,296	12,460	117,279
74th (1985-86)	15,415	48,338	6,879	32,580	11,811	115,023
73rd (1984-85)	16,633	49,172	6,294	33,713	14,114	119,926
72nd (1983-84)	18,308	39,443	5,831	36,671	15,402	115,655
71st (1982-83)	11,225	36,395	5,242	38,574	11,842	103,278
70th (1981-82)	14,879	53,235	N/A	28,201	12,273	108,588
69th (1980-81)	14,117	37,878	3,414	42,379	11,060	108,848

TOTAL FILINGS IN N.M. MAGISTRATE COURTS
69th - 76th Fiscal Years



MAGISTRATE CASELOAD FILINGS
76th (1987-88) Fiscal Year

COUNTY & CITY	CIVIL	MIS-DEMEANOR	DWI	TRAFFIC	FELONY	TOTAL
CATRON						
Reserve	31	117	28	125	60	361
Quemado[1]	5	114	10	181	2	312
CHAVES						
Roswell	821	473	156	424	749	2,623
CIBOLA						
Grants	86	336	61	757	113	1,353
Milan	45	215	54	943	30	1,287
COLFAX						
Raton	90	218	55	654	145	1,162
Springer	40	73	13	190	33	349
Cimarron[1]	27	124	12	172	8	343
CURRY						
Clovis	717	1,545	94	1,727	526	4,609
DE BACA						
Ft. Sumner	56	92	14	150	24	336
DOÑA ANA						
Las Cruces	812	2,122	540	3,258	256	6,988
Anthony[1]	66	480	28	730	17	1,321
EDDY						
Carlsbad	684	628	35	1,075	560	2,982
Artesia	168	229	44	660	107	1,208
GRANT						
Silver City	193	356	81	1,093	309	2,032
Bayard	106	342	74	424	164	1,110
GUADALUPE						
Santa Rosa	22	137	13	318	38	528
Vaughn[1]	0	89	0	230	0	319
HARDING						
Roy	6	21	1	33	2	63
HIDALGO						
Lordsburg	89	581	74	613	193	1,550
LEA						
Lovington	95	326	76	789	132	1,418
Hobbs	726	692	242	1,365	517	3,542
Eunice	23	82	28	194	35	362
Tatum[2]	1	19	0	80	7	107
Jal[1]	30	19	10	56	9	124
LINCOLN						
Carrizozo	33	152	7	24	220	436
Ruidoso	246	242	188	1,046	109	1,831
LOS ALAMOS						
Los Alamos	131	143	31	1,267	99	1,671
LUNA						
Deming	110	231	114	1,047	383	1,885
McKINLEY						
Gallup	650	1,671	658	6,748	721	10,448
Thoreau[2]	5	12	1	354	6	378
MORA						
Mora	10	141	60	284	5	500

MAGISTRATE CASELOAD FILINGS (Continued)
76th (1987-88) Fiscal Year

COUNTY & CITY	CIVIL	MIS-DEMEANOR	DWI	TRAFFIC	FELONY	TOTAL
OTERO						
Alamogordo	606	904	362	2,084	1,016	4,972
QUAY						
Tucumcari	221	612	86	830	385	2,134
San Jon[1]	0	490	0	214	0	704
RIO ARRIBA						
Chama	27	127	37	237	13	441
Española	195	527	168	2,001	118	3,009
ROOSEVELT						
Portales	290	814	112	2,519	255	3,990
SANDOVAL						
Bernalillo	168	352	114	401	190	1,225
Cuba	6	141	57	770	25	999
SAN JUAN						
Aztec	87	1,183	314	1,051	358	2,993
Farmington	665	2,108	76	931	410	4,190
SAN MIGUEL						
Las Vegas	237	513	202	1,100	332	2,384
SANTA FE						
Santa Fe	1,530	1,228	375	4,435	1,025	8,593
Pojoaque	23	26	10	132	0	191
SIERRA						
T or C	121	670	152	1,427	167	2,537
SOCORRO						
Socorro	110	644	194	2,164	217	3,329
TAOS						
Taos	156	562	152	966	37	1,873
Questa[1]	27	73	38	159	14	311
TORRANCE						
Moriarty	28	238	55	699	93	1,113
Estancia[1]	10	149	38	239	70	506
UNION						
Clayton	63	155	5	479	56	758
VALENCIA						
Los Lunas	196	395	194	1,320	311	2,416
Belen	175	570	186	1,161	297	2,389
GRAND TOTALS	**11,065**	**24,503**	**5,729**	**52,330**	**10,968**	**104,595**

---

1 This court operates as a circuit court.

2 Part-time judge.

MAGISTRATE REVENUE REPORT
76th (1987-88) Fiscal Year
(All amounts in dollars)

COURTS	FINES & FORFEITS	CRIMINAL CRT COSTS & OTHER	CIVIL COURT COSTS	LAB FEES	CORREC-TION FEES	COURT AUTO FEES	TOTAL
CATRON							
Reserve	9,578	2,262	850	825	1,010	291	14,817
Quemado[1]	8,917	2,978	110	475	1,515	443	14,438
CHAVES							
Roswell	87,201	1,187	21,900	1,270	3,150	894	115,602
CIBOLA							
Grants	27,302	2,796	2,460	880	6,775	387	40,600
Milan	27,407	6,960	1,150	750	3,485	868	40,620
COLFAX							
Raton	32,615	605	2,375	950	4,740	922	42,207
Springer	12,340	1,115	875	260	1,770	399	16,759
Cimarron[1]	12,971	922	600	125	2,085	345	17,048
CURRY							
Clovis	64,527	22,547	20,155	22,000	14,744	3,951	147,924
DE BACA							
Ft. Sumner	12,050	1,724	1,425	175	1,017	243	16,634
DOÑA ANA							
Las Cruces	116,516	34,166	33,060	7,465	19,893	4,699	215,799
Anthony[1]	60,957	17,360	2,375	700	5,755	1,604	88,751
EDDY							
Carlsbad	49,992	7,370	18,085	1,175	3,945	672	81,239
Artesia	27,213	2,640	5,192	450	1,265	337	37,097
GRANT							
Silver City	33,573	11,240	5,335	2,175	7,120	2,073	61,516
Bayard	31,805	3,845	2,570	1,725	4,170	609	44,724
GUADALUPE							
Santa Rosa	19,602	7,718	850	175	3,605	975	32,926
Vaughn[1]	14,063	6,017	50	0	2,960	870	23,960
HARDING							
Roy	2,435	624	150	50	295	48	3,602
HIDALGO							
Lordsburg	77,784	5,406	2,380	1,975	4,625	967	93,138
LEA							
Lovington	56,245	4,542	2,450	1,700	8,025	2,091	75,053
Hobbs	160,844	11,315	18,635	3,950	13,605	3,075	211,424
Eunice	23,984	1,705	650	450	3,065	732	30,586
Tatum[2]	4,734	717	50	0	485	153	6,139
Jal[1]	2,179	260	825	70	346	81	3,761
LINCOLN							
Carrizozo	20,423	5,838	725	875	4,565	735	33,161
Ruidoso	15,075	3,145	6,030	2,890	4,693	1,036	32,869
LOS ALAMOS							
Los Alamos	32,429	3,075	3,350	600	4,932	1,308	45,694
LUNA							
Deming	25,311	600	3,200	1,900	4,520	1,383	36,914
MCKINLEY							
Gallup	223,986	22,121	10,500	13,250	41,835	9,432	321,124
Thoreau[2]	4,549	61	150	0	695	213	5,668
MORA							
Mora	20,344	3,866	635	1,210	3,115	849	30,019

MAGISTRATE REVENUE REPORT (Continued)
76th (1987-88) Fiscal Year
(All amounts in dollars)

COURTS	FINES & FORFEITS	CRIMINAL CRT COSTS & OTHER	CIVIL COURT COSTS	LAB FEES	CORREC-TION FEES	COURT AUTO FEES	TOTAL
OTERO							
Alamogordo	70,725	8,775	6,785	3,215	5,237	1,191	95,928
QUAY							
Tucumcari	38,566	11,225	5,475	1,105	5,921	1,002	63,294
San Jon[1]	31,475	9,830	0	0	5,085	618	47,008
RIO ARRIBA							
Chama	13,577	3,270	575	625	1,640	474	20,161
Española	78,416	15,085	4,850	2,607	10,358	2,592	113,908
ROOSEVELT							
Portales	94,212	11,652	7,812	1,950	12,035	3,092	130,753
SANDOVAL							
Bernalillo	26,958	3,860	5,075	1,575	3,110	927	41,505
Cuba	20,272	8,520	375	675	5,305	1,512	36,659
SAN JUAN							
Aztec	92,334	21,685	3,475	7,120	15,840	3,360	143,814
Farmington	134,041	35,488	29,770	2,210	21,103	4,682	227,294
SAN MIGUEL							
Las Vegas	40,174	9,020	5,645	3,300	6,389	1,377	65,905
SANTA FE							
Santa Fe	95,621	37,827	40,015	4,230	25,931	6,401	210,025
Pojoaque	3,456	905	250		660	129	5,400
SIERRA							
T or C	49,874	18,196	2,990	1,600	7,598	1,273	81,531
SOCORRO							
Socorro	50,823	13,638	2,795	3,000	13,120	3,210	86,586
TAOS							
Taos	18,781	6,396	5,510	2,565	8,225	2,189	43,666
Questa[1]	5,820	1,279	740	775	1,165	327	10,106
TORRANCE							
Moriarty	21,302	8,039	640	475	3,445	720	34,621
Estancia[1]	7,840	2,251	310	375	985	162	11,923
UNION							
Clayton	23,256	4,490	1,850		2,808	813	33,217
VALENCIA							
Los Lunas	16,441	4,795	6,740	2,800	2,255	637	33,668
Belen	87,024	7,786	4,700	3,470	3,955	1,018	107,953
Totals	**2,434,424**	**449,946**	**313,699**	**96,847**	**349,585**	**81,293**	**3,725,794**

---

[1] This court operates as a circuit court.

[2] Part-time judge.

MAGISTRATE COURT STATEWIDE CASELOAD DISPOSITIONS
76th (1987-88) Fiscal Year

	CIVIL	MISD	DWI	TRAF	FELONY
Civil					
Uncontested /Default	3,193				
Dismissed/Withdrawn/ Settle	1,661				
Jury Trial Judgment	748				
Non-jury Trial Judgment	2,543				
Case Transferred	138				
Misdemeanor					
Guilty Plea		12,019	3,153	27,646	
DWI					
Bail Forfeiture		1,308	104	950	
Traffic					
Dismissed/Nolle Prosequi		7,241	978	12,865	
Jury Trial - Conviction		14	11	73	
Jury Trial - Acquittal		32	4	43	
Non-jury Trial - Conviction		869	366	1,222	
Non-jury Trial - Acquittal		722	134	726	
Case Transferred		388	139	447	
Felony					
Prelim. Held Defendant Discharged					180
Prelim. Held Defendant Bound					1,105
Prelim. Waived Defendant Bound					1,817
Nolle Prosequi/Dismissed					4,115
Case Transferred					667
Total	8,283	22,593	4,889	43,972	7,884

Note: Total dispositions amounted to 87,621.

BERNALILLO COUNTY METROPOLITAN COURT
Current Roster of Judges

Division I
Mark A. Macaron

Division II
Diane Dal Santo
Presiding Judge, July '88 - present

Division III
Tommy Jewell
Presiding, January '88 - July '88

Division IV
Charles R. Barnhart,
Presiding, July '87 - January '88

Division V
Benjamin A. Chavez

Division VI
Maria Caldwell

Division VII
Theresa M. Baca

Division VIII
James M. O'Toole

Division IX
Elizabeth N. Love

Division X
Frank William Gentry

Division XI
Thomas E. Davis

Activity Report

The Metropolitan Court experienced many changes throughout the year. One area affected was in personnel turnover. The court has many new faces working in each division. As a result, training has received special emphasis in order to meet the day-to-day needs of the division as well as implement new policies and procedures relevant to rule changes, legislative requirements, etc.

Pretrial Procedures Program

In November 1987, the Metropolitan Court adopted a pilot program of pretrial procedures in all jury trial cases to improve attorney trial readiness, increase settlements and maximize the use of available judge and court time. These procedures involve a mandatory pretrial order issued with a notice of pretrial hearing to take place approximately two weeks prior to trial. The order mandates the exchange of information by counsel, including witness lists, proposed exhibits and motions. This program has been in operation since January of 1988 and has been undergoing minor changes in order to address logistical concerns raised by court staff and outside agencies. This program has been utilized in conjunction with a strict continuance policy since January 1988.

Automated Calendaring System

The new automated calendaring system scheduled to begin operation in January 1988, has been set back in order to complete the debugging necessary to ensure that all phases of the calendaring process have been addressed. The impact of

the program, once implemented, will assist the court in becoming much more effective in handling its voluminous caseload. This system is designed to facilitate the use of various procedural devices, including pretrial hearing settlements, to accommodate scheduling changes and to maximize court efficiency through early rescheduling of available docket times. In addition, other features of the system will provide for easy calculation of time frames between case processing stages to facilitate the identification of bottlenecks in case flow routines and to establish reasonable case processing standards.

Accounting and Case Management Improvements

The Metropolitan Court has made extensive changes in the areas of automated accounting, cash management and purchasing, as a result of recommendations by the AOC and state auditor's office. The automation of the accounting functions will allow the court to generate budget status reports, reconcile accounts and determine bond status on a much timelier basis, while the changes in preparation of deposits, development of training procedures and documentation thereof regarding the handling of cash and the separation of duties has been of major concern to the court. Finally, the court has entered into an agreement with the Second Judicial District Court whereby the purchasing staff, located in the Second Judicial District Court, perform all purchasing functions for the Metropolitan Court.

METROPOLITAN COURT REVENUE REPORT
76th (1987-88) Fiscal Year

CATEGORY	TOTAL FOR FISCAL YEAR
Fines	$ 1,811,389.02
Bond Forfeitures	138,039.65
Correction Fees	132,111.93
School Fees	215,486.00
Court Costs	317,264.00
Crime Lab	109,620.00
Probation Costs	109,677.91
Mediation Fees	27,265.00
Automation Fees	29,284.00
Civil Fees	223,451.50
Other	3,113.51
Total	**$ 3,116,702.51**

In addition, Bernalillo County Metropolitan Court collected $1,018.218.61 in its Trust Account. The Trust Account consists of money posted for criminal and civil bonds.

Statistical Report 76th (1987-88) Fiscal Year

	CIVIL	MISD	PARKING	TRAFFIC	DWI	FELONY	TOTAL
Filings	9,097	89,616	86,850	133,482	6,645	1,697	327,387
Dispositions	8,944	41,616	9,399 *	100,815	8,908	1,767	171,449

* This figure has decreased dramatically due to the transfer of collection for uncontested parking citations to the City of Albuquerque. This court only handles contested or unpaid parking citations.

Civil Cases Filed by Type	Under $2,000	Over $2,000	Total
Damages/Personal Injury	17	20	37
Property Damage	630	240	870
Forcible Entry and Detainer	57	12	69
Debt and Money Due Accounts	2,864	676	3,540
Contract	167	105	272
Bad Checks	108	6	114
Replevin	21	5	26
Back Wages	23	3	26
Other Damages	275	79	254
Restitution	3,727	62	3,789
Total	7,889	1,208	9,097

Probation Division

Monthly average of clients on supervised probation	1,113
Probation terminations	1,581
Monthly average of clients supervised by volunteer program	111

Pre-Trial Services Division

Clients released on own recognizance	3,304
Clients interviewed and not released	2,445
Public Defender eligibility interviews	15,126
Bonds processed at Detention Center--no funding available	-----

Educational Services

Enrollments in Petty Larceny School	916
Enrollments in DWI School	2,500
Enrollments in Driver's Improvement School	1,430
Enrollments in Domestic Violence Program	382
Community Services Program:	
Total hours assigned	16,514
Total clients assigned	6,064
Total $ value of hours assigned	$ 813,164
RV-7 License Suspensions	52,145

OTHER JUDICIAL AGENCIES

Supreme Court Law Library

The Supreme Court Law Library is governed by a board of trustees composed of all the justices of the Supreme Court. The board hires the director (state law librarian) and oversees the general management of the library. The library is supported entirely from the general funds of the state. The Supreme Court Law Library is the state's central legal library and provides oversight and guidance to the 33 district court law libraries in the state. The library was the official state archives from 1931 to 1969 and currently retains much of that material. The state law librarian is an ex-officio member of the state Commission of Public Records and the Compilation Commission Advisory Board. During the 76th fiscal year, he was also the chairman of the State Bar's Library Committee.

Patron Services

Regarded as the primary mission of the library, patron needs and requests continued at a high level: both circulation and photocopying were up. Complaints were primarily owing to two factors: (1) hours were cut from 75.5/wk. to 63.5/wk. by reducing evening hours and closing on Sundays. This was due to a temporary reduction in staffing level, which it is anticipated will be corrected in the 77th fiscal year; (2) 40 percent (by dollar) of legal treatices in the library, as of the start of the 74th fiscal year, are no longer being kept current. This is due to the large annual inflation in law book prices over the past several years, coupled with budget decreases or low budget increases. The library issued three newsletters during the year, prepared a find-a-lawyer guide, and provided bibliographies on the topics of AIDS, appellate opinions, and the presidential candidates. Computer assisted legal research by the courts increased significantly and a cost control program was put into effect in April. Photocopying services remain marginally adequate for books and inadequate for microform copies. Seating in the library is inadequate, with patrons regularly trooping between floors to find an open table.

Budget

The library book budget was increased by a supplemental appropriation of $12,000, which together with a transfer of $16,000, from a one-time savings in personnel costs, yielded a net increase of 8.2 percent over the 75th fiscal year book expenditures. Law book inflation last year was 11.87 percent. The library cut over $6,000 of continuations (treatise supplementation or new editions) in the 76th fiscal year. The book budget remains chronically underfunded. Additional problems are expected in the 77th fiscal year, if funds are not provided to cover the approved operating budget.

Acquisitions and Exchanges

The library added 2,680 new hardbound volumes in 1987-88, mostly case reports and federal depository material. This is approximately equal to the number of volumes added in the 74th fiscal year, despite the large increase in the number of case reporters issued each year. Very few new titles were added and all at the expense of canceling supplementation/new editions of existing works. The periodical collection was reviewed; over 30 titles, dealing primarily with issues in international law, comparative law and political science were replaced with subscriptions that the library had been unable to

obtain because of budgetary restrictions. The new law reviews, often recent in inception, deal more with areas of central interest, such as litigation, court practice and legal planning. The serials librarian and the government documents librarian made significant strides in acquiring missing materials on exchange.

Personnel

The library is currently authorized 7.5 FTEs; normally a library of this size is considered fully staffed with four professionals, a bookkeeper and four or five assistants. There was a 57 percent turnover rate in staff in the 76th fiscal year, owing in part to low salaries, especially of the library assistants. High turnover meant reduced staff availability and more time for training. This did, however, provide the library the opportunity to restructure, re-aligning some duties, and clarify the duties of each position. The Hay study continued apace during the year, and while the net overall effect was to provide greater equality for library employees, specific inequalities still exist. Management hopes that the turnover in library assistants will decrease as a result; however, current estimates are that one or two positions will be vacated in the 77th fiscal year.

Projects

All special projects suffered due to decreased staff levels caused by the high turnover discussed under personnel. Most available staff time was used in training new personnel. A new statistics plan went into effect in June. A project to inventory, index and box the state archive material and transfer it to Records and Archives was planned with an implementation date of January 1989, subject to staff availability. This will provide better storage conditions for this material and will help the library with its chronic space problem.

The six-year automation plan for circulation, public catalog, reference file, serial control and financial control was not funded and not implemented. A commercially prepared library automation system has been dismissed as financially impractical. Details of a locally developed plan continue to mature. Expected implementation date of phase one, initial equipment acquisition, is now July 1989.

In April the library acquired full responsibility for the management of the computer-assisted legal research program. If budgetary limitations continue at the 77th fiscal year budgeted levels, the only practical way to maximize the benefit of computer-assisted legal research is to provide adequate intermediary services to aid the legal staff of the judiciary in formulating their queries.

The state law librarian visited eleven of the 33 district court law libraries and the metropolitan court law library and provided additional consultation by letter and telephone. Work on minimum standards for such libraries continues.

Dealing with space limitations continued to occupy a large portion of staff time. Weeding the periodical collection, the decommission of large archives, consolidation of retained archives in small archives, transfer of legal proceedings to the basement and other miscellaneous adjustments in space usage are all in progress. Expected completion depends upon available staff time.

Additional planning is required to relieve pressure in the treatise room and among the state reporters. Long-term measures require both the acquisition of more space and the conversion to microform, CD-ROM, or other electronic storage format.

Supreme Court Building Commission

The Supreme Court Building Commission is composed of Chief Justice Tony Scarborough, Honorable Samuel Z. Montoya, ret., and Mr. John F. McCarthy. The commission is responsible for the care, custody and control of the Supreme Court Building, its grounds and all furniture, fixtures and equipment used by judicial agencies housed in the building. Under the supervision of the building superintendent and his assistant, the maintenance and custodial staff perform the continuous duties of building repair and maintenance.

The Supreme Court Building was originally constructed in 1936, with a major addition completed in 1964. The Supreme Court, Court of Appeals (including the Prehearing Division), Administrative Office of the Courts and the Supreme Court Law Library are located in the building.

The building superintendent was very active during the fiscal year and the 1988 calendar year trying to answer the housing and storage needs of the building agencies; all agencies are at capacity or over capacity within their assigned quarters. The Compilation Commission moved to new offices outside the building in the first part of 1988, thereby releasing its space for use by other building tenants.

The building commission again wishes to note that numerous capital projects are needed in the near future: replacing all radiators in the original building; rewiring and installing new transformers in the original building; re-roofing the addition; repairing an overlaying the parking lots; replacing window balconies; and removing and replacing or topping trees on the north side of the building.

The Energy Minerals and Natural Resources Department has applied for a large grant to design and install several energy-saving features for the Supreme Court Building including a computer control system that should result in cost savings as well as increased environmental comfort for the building occupants.

Finally, by means of legislative appropriation, access of the handicapped to the building was significantly enhanced because of renovations and remodeling of entryways, bathrooms, elevators and the like. Mobility-impaired individuals should enter the building on its east side, near the AOC entrance.

Judicial Standards Commission

Under the terms of the New Mexico Constitution, the commission is authorized to investigate complaints that a judge has been guilty of willful misconduct in office, has persistently failed to perform or is unable to perform the duties of a judge, is habitually under the influence of intoxicating substances or is suffering from a physical or mental disability which is of a permanent nature and which renders him incapable of performing his judicial duties. Some examples of these conditions might be:

willful misconduct	purposely ignoring the rights of citizens, violating state laws, improperly using judicial authority and showing discourtesy or bias.
persistent failure or inability	delaying the hearing or decision of cases, not complying with rules and regulations for submitting documents and exhibiting a lack of knowledge of how to perform a judge's duties.
habitual intemperance	alcoholism or addiction to drugs, or abuse of alcohol or drugs which affects the performance of the judge on the bench or which creates public disrespect for the judicial office.
disability	significant loss of hearing or sight, inability to concentrate on court proceedings, illness that restricts the judge from attending court, senility, mental illness, any of which are a of a permanent nature and interfere with the judge's fulfilling all the duties of his office.

The commission has no authority to interfere with the processing of a case as it wends its way through the court system. Often, people contact the commission requesting help in getting a different judge, obtaining another hearing or having the judge's decision changed. The commission has no authority to do any of those things. Judge are required by the nature of their office to render decisions. They have a certain amount of time even after the final hearing in a case in which to make further rulings before they lose jurisdiction of the case. Errors made by judges in the course of deciding a case can be corrected by appeal to a higher court, or under certain conditions, by other judicial procedures. They cannot be corrected by the Judicial Standards Commission. The fact that a judge makes an erroneous decision does not mean that the judge is subject to investigation by the commission. Only if the judge's behavior or his reason for making the wrong decision comes within the jurisdiction of the commission will the commission undertake an investigation.

Filing Complaints

The commission has a complaint form which it will supply to any person wishing to file a complaint against a judge. Instructions accompany the form. It is important that the person filing the complaint have his signature verified in swearing to the truthfulness of the statements made in the complaint. Inquiries may be made in writing or over the telephone, or a complainant may visit the office of the commission to get information about filing a complaint. In all cases, the complainant will be asked to complete a complaint form.

On occasion, the commission will undertake an investigation on its own motion without a verified complaint. This may be done as a result of publicity about seeming problems with a judge, or as a result of a referral of a complaint by a group or public agency.

Commission Procedures

Upon receipt of a complaint by the executive director, he will make an initial inquiry to verify some alleged facts and to discover other information that will give the commission a basic understanding of the allegations. The complaint and additional information will be sent to each member of the commission before the regular meeting of the commission, it time permits. The commission generally meets on the 1st Friday of each month.

After determining that a complaint comes within its jurisdiction, the commission will direct that the complaint be investigated by the executive director, a private attorney, or it may obtain the assistance of the office of the attorney general in the investigation. A notice of preliminary investigation will also be sent to the judge, informing him of the allegations and requesting his response.

If the preliminary investigation produces evidence that the allegations have some foundation, the commission will set the matter for a formal hearing at which the evidence will be presented in accordance with the rules of civil procedure and the judge will have the opportunity to also present evidence and to cross-examine the witnesses. At the conclusion of the hearing the commission will retire to arrive at findings of fact, conclusions of law, and, if the allegations are not at this point dismissed, the commission will make recommendations to the Supreme Court as to the discipline, removal or retirement of the judge.

Up to an including the formal hearing, the existence of an investigation is kept confidential by the commission, as required by the state constitution. Once the commission recommendation is filed with the Supreme Court the matter is of public record. The Supreme Court usually sets a hearing on the commission's recommendation within a short time and renders a decision adopting, denying or modifying the recommendation of the commission.

At any time, up to the conclusion of a formal hearing, if the investigation shows there is no evidence to support the allegations against the judge, the investigation may be closed. If a judge resigns or fails to be reelected while an investigation is under way, the investigation will be closed since the commission has no authority to recommend that a person who is no longer a judge be disciplined. In some cases the commission has found evidence of wrong-doing by a judge but that the judge's actions were the result of misunderstanding rather than willful misconduct. In those situations the matter may be referred to the Supreme Court, or to a judge having supervisory authority, for counseling. Any matter concluded without a recommendation to the Supreme Court will not become public knowledge except for the inclusion of the matter in the statistical report of the commission.

Complaints Received

During the 76th fiscal year the commission received seventy-two complaints, four more than during the prior year. At the end of the fiscal year the

commission had disposed of sixty-six complaints, while six remained pending. The following statistical summaries detail the sources of complaints against each type of judge and the disposition for each of the past five fiscal years. Some totals may not correspond since a single complaint may name two or more judges. Also, more than one disposition may apply to each judge.

Caseload Report

Source of Complaint	76th FY 1987-88	75th FY 1986-87	74th FY 1985-86	73rd FY 1984-85	72nd FY 1983-84
Commission	5	2	2	-	-
Litigants	32	45	42	30	27
Citizens	2	3	2	3	5
Public Officials	6	1	6	2	3
Lawyers	3	4	6	1	5
Judges	4	1	0	0	3
Police	3	0	1	2	1
News Media	1	0	2	1	1
Anonymous	0	1	0	1	-
Prisoners	4	8	7	2	-
Criminal Defendants	8	-	-	-	-
Victims	1	1	3	-	-
Witnesses	0	1	-	-	-
Others	3	1	1	0	1
Total	72	68	72	42	46
Judge					
Supreme Court	5	0	0	0	0
Court of Appeals	0	0	1	1	0
District Court	33	32	28	22	12
Metropolitan Court	9	7	7	2	11
Magistrate Court	14	15	21	10	15
Municipal Court	15	14	15	7	8
Probate Court	0	0	0	0	0
Total	76	68	72	42	46
Dispositions					
Out of Jurisdiction	28	16	29	13	9
Withdrawn	0	0	0	0	0
Investigated, Found Insubstantial	45	23	38	30	22
Referred to Supervising Court for Counseling	1	1	1	0	2
Remedial Disposition	1	-	-	-	-
Professional Counseling Recommended	0	1	0	0	0
Judge Resigned, Not Reelected or Died	0	2	1	1	2
Informal Letter of Caution	9	5	9	-	-
Formal hearing before Commission	5	5	2	6	2

Disciplinary Board of the Supreme Court

The Disciplinary Board is composed of 12 members, both attorneys and nonattorneys. The chairman of the board is Ms. Judy D. Fry, an attorney from Albuquerque; chief counsel for the board is Ms. Virginia L. Ferrara. The board offices are located at 712 Sandia Savings Building, Albuquerque 87102.

The board investigates complaints filed against attorneys and either dismisses a case at the staff level or dockets it for formal investigation. As shown in the table below, there are a number of dispositions that may occur on a docketed case, from dismissal to disbarment.

Initial Contacts

Complaints Filed	688
Complaints Carried into 1987-88	64
Cases Actually Handled	752

Dispositions of Complaints

	Informal Action	Formal Action
Dismissed at staff level	520	
Docketed for Formal Investigation	(123)	(123)
Pending determination as of June 30, 1988	109	
Cases Actually Handled	752	

Docketed Cases Carried into 1987-88	60
Total Docketed Cases	183

Disposition of Docketed Cases

Dismissed with concurrence of Reviewing Officer	37
Dismissed with a Letter of Caution	27
Informal Admonition Issued	20
Formal Action	
Tried and Charges Not Sustained	3
Dismissed due to Death of Respondent	1
Informal Admonition plus Costs (after Hearing)	3
Formal Reprimand by the Board	5
Formal Reprimand Plus Probation	0
Formal Reprimand Deferred (with Probation)	2
Public Censure by the Court	0
Public Censure plus Probation	0
Suspension	9
Disbarred	0
Reinstatement Granted	1
Reinstatements Denied	3
	111

Status of Remaining Docketed Cases

Under Investigation	5
Suspension Pending Disposition in Related Litigation	3
Before Reviewing Officer	9
Charges in Preparation	5
Charges Pending before Hearing Committee	26
Findings Pending Review by Disciplinary Board	9
Recommendations of Board Pending before Supreme Court	15
Total Docketed Cases Carried into 1988-1989	72

New Mexico Compilation Commission

The Compilation Commission serves as the publisher of the laws, court rules, instructions, forms, court opinions, attorney general opinions and judicial benchbooks. It also is required by law to maintain certain data bases. In 1986, the functions of the commission were consolidated in Santa Fe. Since that time, the commission has concentrated on creating data bases of the laws, court rules, instructions, forms and Supreme Court and Court of Appeals opinions. Its statutory functions and duties are carried out under the direction of a five-member advisory committee.

Sales

Total sales of commission publications for the 76th fiscal year were $310,049. During the 76th fiscal year, the commission completed the automation of its inventory and invoicing procedures for the New Mexico Reports and sales of individual NMSA pamphlets; however, the commission also received notice during the 76th fiscal year that the NMSA 1978 inventory and billing system would need to be reprogrammed. The commission is exploring alternatives for this system with the goal of combining the two inventory and invoicing systems during the 77th fiscal year. The new system will include search programs to prepare reports showing revenues received from each state agency. The commission will also have to prepare new documentation and procedures manuals for the new software.

Data Bases

The commission is required to keep data bases of its publications. The following data bases are presently available:

Supreme Court and Court of Appeals Opinions

These opinions are presently available through Lexis and Westlaw; those opinions published since July 1, 1987 are also available through Technet/LegalNet. From July 1, 1987 through June 30, 1988, more than 250 New Mexico Supreme Court and New Mexico Court of Appeals opinions were reformatted and inserted into the LegalNet court opinion data base.

New Mexico Statutes

In 1986 the commission contracted with the Michie Publishing Company to prepare and keep current a complete data base of the New Mexico laws. This data base is available through Lexis and Westlaw.

Under the Michie contract, the commission is required to provide the Michie Publishing Company with both a paper copy and a machine copy of all laws enacted by the legislature and all court rules, instructions and forms. During the 76th fiscal year, for the first time, all laws, court rules and instructions were published by using a machine copy of the enrolled and engrossed version of the laws which is provided through the staff of the Legislative Council Service. The commission prepares court rules and instructions for the Supreme Court. An ASCII copy of these rules and instructions is provided to the Michie Company for publication. This eliminates publisher typographical errors and assures greater accuracy of data.

Court Rules, Instructions and Forms

Advance court rules and instructions issued since last supplement (March 1, 1987) are available through Technet/LegalNet.

During the 76th fiscal year, Uniform Jury Instructions, criminal and civil, and court-approved criminal and civil forms were inserted in Technet/LegalNet data bases and are now available statewide for search and retrieval.

Publications

NMSA 1978

The commission is required to publish all current general laws enacted by the legislature. The commission prepares tables of all laws enacted by the legislature, by section, to assure that all current general laws are published; dBase III is used for this purpose.

The commission staff proofreads all laws to assure that the NMSA 1978 contains the correct current copy of the laws. As shown by the following table, 1988 was a record year for a 30-day session.

	Publication of Laws					
	1983	1984	1985	1986	1987	1988
Session Law Pages	2130	1637	1812	1217	2785	1192
Supplements and Replacement Pamphlet Pages	5514	5270	5090	4592	7443	5274

In addition to distributing 1,000 full sets or the NMSA, the commission assembles and prepares instructions to keep 1000 partial sets of the NMSA 1978 current. There are 36 different types of partial sets at the present time.

New Mexico Reports

The commission serves as the exclusive source for New Mexico Reports published by West Publishing Company which includes all New Mexico Supreme Court and New Mexico Court of Appeals opinions. One volume was published during the 1987-1988 calendar year. The secretary and director of the commission have met with staff of West Publishing company to explore alternatives of assuring quicker update of Westlaw and the publishing of New Mexico appellate decisions in P.2d and the New Mexico Reports.

In addition to the New Mexico Reports, all Supreme Court and Court of Appeals opinions are published in the Bar Bulletin. The commission assists the clerk of the Supreme Court in converting and transmitting these opinions to the State Bar. The commission is responsible for proofreading the opinions prior to their publication. As noted above, approximately 250 of these opinions were processed during the 1987-1988 fiscal year.

Attorney General Opinions

The commission serves as the exclusive source for bound Attorney General opinions and indices. The commission has completed the index of the opinions of Attorney General Bardacke. These opinions, along with more than 100 advisory opinions, were sent to the printer and will be available for sale in the 1988-1989 fiscal year.

Parallel Tables

The commission is presently looking at alternatives to transfer the parallel tables data base to the commission's System 36. The University of New Mexico software is about 10 years old and all UNM employees who understood the software have retired or left the computer center. The present software will only allow updates of 25 records at a time. The data base presently has approximately 63,000 records. This will take a substantial effort during the 77th and perhaps 78th fiscal years to transfer and update this data base.

Contractual Duties

Session laws

In cooperation with the Secretary of State, the commission assists in the publication of the Session Laws. It is the goal of the commission to assure delivery of the Session Laws to the Secretary of State within 30 days after the last bill is signed by the Governor.

Supreme Court Rules, Instructions and Forms

Through a contract with the Supreme Court the commission acts as staff for Supreme Court-appointed rules committees. The commission drafts court rules, instructions and forms. The commission maintains loose-leaf binders containing pending drafts for most committees. During the 76th fiscal year the Supreme Court approved 103 rules, most of which were drafted by the commission staff. The commission prepares 3 or 4 drafts of most rules prior to approval by a Supreme Court committee and approval by the Supreme Court. In addition the commission prepares official committee commentaries for criminal rules and jury instructions. It also researches and prepares memoranda on various issues relating to court rules and instructions.

During the 1987-1988 fiscal year the Supreme Court approved uniform jury instructions for the 1986 Securities Act. These instructions and commentaries were drafted for the Supreme Court's Uniform Jury Instruction Committee by the commission's staff.